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Washington, Friday, July 26, 1946

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—TEMPORARY CIVIL SERVICE REGULATIONS

CLASSIFICATION OF SERVICE

1. Section 27.2 (f) (4) (11 F.R. 1424, 2431) is amended to read as follows:

§ 27.2 *Classification of the service.* * * *

(f) *Excepted employees; when classified.* * * *

(4) That any person, who received a war service appointment under § 18.5 (f) (1) or (2) of this chapter, whose position has become permanent, may be recommended for a classified civil service status provided he has remained continuously employed in the same establishment in which employed when appointed under § 18.5 (f) (1), or in the same agency in which employed when appointed under § 18.5 (2); and he entered on duty in such establishment or agency prior to the effective date of the War Service Regulations, March 16, 1942, in the case of the service generally, or October 23, 1942, in the case of the field service of the Post Office Department.

2. The paragraph beginning *"Provided further"* immediately following § 27.2 (f) (5) (ii) is amended to read as follows:

Provided further, That any person who in order to perform active service with the military or naval forces of the United States has left, or leaves, a position (other than a temporary position) which is covered into the classified civil service under this section, may, upon honorable discharge and upon request of any department or agency, be reinstated and acquire a classified civil service status in any position for which the Commission finds he is qualified, and upon a finding by the Commission on the basis of his personal record that he has served with merit for not less than six months (which may include active service with the military or naval forces within that period) immediately prior to the date such office or position was covered into the classified civil service: *Provided,* That he meets the requirements of subparagraphs (2) and (3) of this paragraph.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 46-12582; Filed, July 25, 1946; 9:58 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 3]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The Terms and Conditions of Cotton Sales for Export Program, dated April 22, 1946 (11 F.R. 4515, 4645), is hereby amended in the following respects:

1. Section 295.10 (b) is amended by inserting "or a certification by the steamship company on the bill of lading in the form prescribed by the Director of the New Orleans Office" after "a shipmaster's receipt", and by inserting "or" after "port".

2. Section 295.10 (d) is amended by inserting "certification by the steamship company," before "or shipmaster's receipt".

3. Section 295.19 is deleted.

Dated this 24th day of July, 1946.

[SEAL] ROBERT H. SHIELDS,
President of Commodity Credit Corporation, authorized representative of the Secretary of Agriculture.

[F. R. Doc. 46-12601; Filed, July 25, 1946; 11:17 a. m.]

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REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] Appears under Department of the Interior, Bureau of Land Management, in Notices section.

CODIFICATION GUIDE—Continued

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-13]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F.R. 103, 8950, 10419; 11 F.R. 2630, 5105), Appendix A is hereby revised by deleting the following items therefrom.

Food	Commerce Import Class No.
Coconuts, in the shell	1351.000
Coconut meat, shredded and desiccated or similarly prepared	1379.000

This revision shall become effective at 12:01 a. m., e. s. t., July 25, 1946.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; W.F.O. 63, 10 F.R. 103, 8950, 10419, 11 F.R. 2630, 5105)

Issued this 24th day of July 1946.

E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc 46-12562; Filed, July 24, 1946; 3:50 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

Correction

In Federal Register document 46-12268, appearing at page 7804 of the issue for Thursday, July 18, 1946, the following changes should be made:

Under amendatory paragraph (22), the word "intermuscular" should read "intramuscular".

In the second sentence of paragraph (a) under amendatory paragraph (27) the word "dilutents" should read "diluents".

The last sentence of paragraph (a) under amendatory paragraph (42) should read as follows: "Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium."

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter I—War Rental Housing Insurance

PART 580—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608, NATIONAL HOUSING ACT, FOR MORTGAGES NOT EXCEEDING $200,000.00

ELIGIBLE MORTGAGES

1. Section 580.13 is hereby amended to read as follows:

§ 580.13 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor and mortgagee. Payments on account of principal must begin not later than the first day of the twelfth month following the execution of the mortgage. In cases where a commitment has been issued to insure upon completion amortization shall commence on the first day of a month not later than thirty (30) days after the expiration date of the commitment.

2. Section 580.20 *Additional terms and conditions,* is hereby amended by adding to the end thereof the following sentence: "The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee: *Provided, however,* That the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge.

(55 Stat. 55, c. 31, as amended by 56 Stat. 301, c. 319)

These amendments to Part 580 of the administrative rules are effective as to all mortgages not in excess of $200,000.00 on which a commitment to insure under section 608 is issued on or after July 22, 1946.

Issued at Washington, D. C., 22d day of July 1946.

[SEAL] RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 46-12559; Filed, July 24, 1946; 12:08 p. m.]

PART 581—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608, NATIONAL HOUSING ACT, FOR MORTGAGES EXCEEDING $200,000.00

ELIGIBLE MORTGAGES

1. Section 581.13 is hereby amended to read as follows:

§ 581.13 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor and mortgagee. Payments on account of principal must begin not later than the first day of the eighteenth month following the execution of the mortgage, or at such earlier date, as may be determined by the Commissioner at time of commitment. In cases where a commitment has been issued to insure upon completion amortization shall commence on the first day of a month not later than thirty (30) days after the expiration date of the commitment.

2. Section 581.20 *Additional terms and conditions,* is hereby amended by adding to the end thereof the following sentence: "The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee: *Provided, however,* That the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge."

(55 Stat. 55, c. 31, as amended by 56 Stat. 301, c. 319)

These amendments to Part 581 of the administrative rules are effective as to all mortgages in excess of $200,000.00 on which a commitment to insure under section 608 is issued on or after July 22, 1946.

Issued at Washington, D. C., 22d day of July 1946.

[SEAL] RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 46-12560; Filed, July 24, 1946; 12:08 p. m.]

PART 582—ADMINISTRATIVE REGULATIONS FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608 OF THE NATIONAL HOUSING ACT APPLICABLE TO ALL MORTGAGES INSURED UNDER SECTION 608

PREMIUMS

1. Section 582.3 is hereby amended to read as follows:

§ 582.3 *Annual mortgage insurance premiums.* The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the original face amount of the mortgage.

(a) If the date of the first principal payment is more than one year following the date of such initial insurance

endorsement the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one per centum (½ of 1%) of the original face amount of the mortgage.

On the date of the first principal payment the mortgagee shall pay a third premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (1) one per centum (1%) of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (2) one-half of one per centum (½ of 1%) per annum of the average oustanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(b) If the date of the first principal payment is one year or less than one year following the date of such initial insurance endorsement the mortgagee, upon such first principal payment date, shall pay a second premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one per centum (1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(c) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgage on the date of the first principal payment shall pay a second premium equal to one-half of one per centum (½ to 1%) of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one per centum (½ of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the data of the first principal payment.

Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate the mortgage, on each anniversary of the date of the first principal payment, shall pay an annual mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payment or prepayments.

Premiums shall be payable in cash or in debentures issued by the Administrator under Title VI of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in § 582.4.

2. Section 582.4 *Prepayment premium charges,* is hereby amended by striking out the last sentence thereof and substituting in lieu thereof the following sentence: "If at the time of prepayment a new insured mortgage is placed on the same property, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the prorata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment."

(55 Stat. 55, c. 31, as amended by 56 Stat. 301, c. 319)

These amendments to Part 582 of the administrative regulations are effective as to all mortgages on which a commitment to insure under section 608 is issued on or after July 22, 1946.

Issued at Washington, D. C., 22d day of July 1946.

[SEAL] RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 46-12561; Filed, July 24, 1946; 12:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 217]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits, country group	
			K	E
154903	Cassia (ground or unground).[1]	Lb....	1	1
645000	Brass and bronze plates, sheets, and strips (report window strip and shapes in 647908).	Lb....	100	50
645300	Brass and bronze pipes and tubes (including pipe coils).	Lb....	100	50
645430	Brass and bronze pipe fittings.	Lb....	100	50
645700	Wire, bare and insulated, brass and bronze.	Lb....	100	50

[1] Requires individual license for export to all areas except the other American Republics.

2. A qualifying footnote reference meaning "Requires individual license for export to all areas except the other American Republics" is hereby added with respect to the following commodity:

Dept. of Com. Sched. B No.	*Commodity*
154902	Cinnamon

Shipments of any of the above commodities removed from general license which on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that with respect to commodities removed from general license it shall become effective on July 30, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; Pub. Law 389, 79th Congress; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: July 22, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-12596; Filed, July 25, 1946; 10:47 a. m.]

[Amdt. 218]

PART 803—UNLIMITED LICENSES

Part 803 *Unlimited licenses* is hereby revoked.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; Pub. Law 389, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E. O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: July 22, 1946.

JOHN C. BORTON, *Director,*
Requirements and Supply Branch.

[F. R. Doc. 46-12597; Filed, July 25, 1946; 10:47 a. m.]

Chapter XIV—War Contracts, Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1601, 1603 and 1607 set forth below are also contained in Revision 25 of the Renegotiation Regulations dated June 28, 1946.

MAURICE HIRSCH,
Colonel, General Staff Corps,
Chairman.

PART 1601—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

SUBPART C—ORGANIZATION AND FUNCTIONS OF THE PRICE ADJUSTMENT BOARDS AND SECTIONS

Section 1601.132-1 is amended to read as follows:

§ 1601.132–1 *Organization and functions of War Department Price Adjustment Board.* The Renegotiation Division was established by the Commanding General, Army Service Forces, as a Staff Division under the supervision of the Director of Matériel. The War Department Price Adjustment Board was organized within the Division. Effective March 11, 1946, the Renegotiation Division was redesignated the Renegotiation Branch under the Director of Procurement (formerly Director of Matériel), Headquarters, Army Service Forces. This redesignation involved no change in the mission and functions of the organization. Under the War Department reorganization, effective June 11, 1946, the mission and functions of the Renegotiation Branch, Army Service Forces, were transferred to the Renegotiation Branch, Service, Supply and Procurement Division, War Department General Staff. Under the delegation of the Under Secretary of War, dated June 10, 1946, the Chairman and members of the War Department Price Adjustment Board continue to serve at the pleasure of the Director of Service, Supply and Procurement. The Chairman also serves as Chief of the Renegotiation Branch. [RR 132.1]

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART A—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Section 1603.313–2 is amended to read as follows:

§ 1603.313–2 *Renegotiation with respect to fiscal years ending after July 31, 1945.* Subsection (h) of the Renegotiation Act provides that such act shall apply only with respect to profits from contracts with the Departments and subcontracts which, under regulations prescribed by the Board, are determined to be allocable to performance prior to the close of the termination date as defined in such subsection (see § 1603.370 and following). To ensure the proper application of that subsection in the event that the termination date should be fixed at a date prior to December 31, 1945, no determination of excessive profits shall be made by agreement with respect to fiscal years ending after July 31, 1945 unless there is embodied in such agreement the special contract article set forth in paragraph (i) (3) of § 1607.741–2 of this chapter (whether or not such fiscal year has ended at the time of renegotiation). Nor in any such case shall a determination of no excessive profits be made except by an agreement containing such special contract article. The provisions of this section shall not apply (a) with respect to a determination of excessive profits or no excessive profits which is made after the date on which the termination date of the Renegotiation Act, as defined in subsection (h) thereof, becomes fixed or which is made for a part of contractor's fiscal year under § 1603.313–1 (e) (1), which part ended on or before July 31, 1945; (b) with respect to a determination of no excessive profits if the renegotiating agency determines that such determination of no excessive profits would not, under any circumstances, be affected by a change in such termination date; or (c) with respect to a determination of excessive profits made by order. [RR 313.2]

PART 1607—FORMS FOR RENEGOTIATION

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

Paragraph (h) of § 1607.741–2 is amended to read as follows:

§ 1607.741–2 *Variations in the standard form.* * * *

(h) *Clause relating to additional amortization allowance.* (1) The following clause may be used when appropriate (see § 1603.383–2 (c) of this chapter). When used Article 9 of the Standard Form of Agreement will be deleted.

Additional amortization allowance. The Contractor represents that pursuant to section 124 (d) of the Internal Revenue Code, it has elected to compute its amortization deduction with respect to the facilities described in Necessity Certificate No. ____, dated _____ based on an amortization period of less than sixty (60) months, and that the amortization deduction with respect to such facilities which the Contractor estimates will be allowed in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year, based on said period of less than sixty (60) months is $_____ (hereinafter referred to in this article as "said amount"). The Contractor further represents that __% (hereinafter called the "allocable percentage") of said amount is properly allocable to said contracts and subcontracts. Based upon the foregoing, there has been applied in reduction of the amounts of profits which would otherwise be determined and agreed in Article 1 to be eliminated, the allocable percentage of excess of said amount over amortization calculated on the basis of an amortization period of sixty (60) months. The Contractor agrees, however, that if the amortization deduction finally allowed with respect to such facilities in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year shall be less than said amount, the Contractor will, within thirty days thereafter, pay to the Government as additional profits for said fiscal year which should be eliminated, a sum equal to the allocable percentage of the difference between said amount and the amortization deduction so finally allowed plus interest the rate of 6 per centum per annum upon such additional profits from and after the date two years following the close of said fiscal year.

In the elimination of said additional profits, the Contractor shall be allowed the tax credit, if any, provided by section 3806 of the Internal Revenue Code.

The Contractor hereby waives all right to a renegotiation rebate under subsection (a) (4) (D) of the Renegotiation Act on account of any recomputation of the amortization deduction with respect to such facilities for said fiscal year except to the extent by which the allocable percentage of the amount of such recomputed amortization deduction finally allowed with respect to such facilities in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year exceeds the allocable percentage of said amount.

(2) The following clause is suggested for use when the additional amortization allowance exceeds the excessive profits after State income tax and excess inventory adjustments .

Additional amortization allowance. The Contractor represents that pursuant to section 124 (d) of the Internal Revenue Code, it has elected to compute its amortization deduction with respect to the facilities described in Necessity Certificate No. ___, dated ____ based on amortization period of less than sixty (60) months, and that the amortization deduction with respect to such facilities which the Contractor estimates will be allowed in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year, based on said period of less than sixty (60) months is $____ (A)____(hereinafter referred to in this article as "said amount"). The Contractor further represents that (B) ____% (hereinafter called the "allocable percentage") of said amount is properly allocable to said contracts and subcontracts. Based upon the foregoing, there has been applied against the amount of profits which would otherwise be determined and agreed in Article I to be eliminated, the allocable percentage of excess of said amount over amortization calculated on the basis of an amortization period of sixty (60) months. The Contractor agreees, however, that if the amortization deduction finally allowed with respect to such facilities in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year shall be less than ____ (C) ____, the Contractor will, within thirty days thereafter, pay to the Government as additional profits for said fiscal year which should be eliminated, a sum equal to the allocable percentage of the amount by which the amortization deduction so finally allowed is less than ____ (C) ____ plus interest at the rate of 6 percentum per annum upon such additional profits from and after the date two years following the close of said fiscal year.

In the elimination of said additional profits the Contractor shall be allowed the tax credit, if any, provided by section 3806 of the Internal Revenue Code.

The Contractor hereby waives all right to a renegotiation rebate under subsection (a) (4) (D) of the Renegotiation Act on account of any recomputation of the amortization deduction with respect to such facilities for said fiscal year except to the extent by which the allocable percentage of the amount of such recomputed amortization deduction finally allowed with respect to such facilities in connection with the determination of the taxes imposed by Chapters 1, 2A, 2B, 2D and 2E of the Internal Revenue Code with respect to said fiscal year exceeds the allocable percentage of said amount.

(A) Insert here the aggregate of the accelerated amortization (with respect to the period under review) on the 60 months basis plus the additional amortization estimated to be allowable by the Bureau of Internal Revenue with respect to such period. This, of course, will be before any allocation between renegotiable and nonrenegotiable business.

(B) Insert here the percentage of amortization allocable to renegotiable business.

(C) Insert here the figure to which the aggregate amortization (A) may be reduced by the Bureau of Internal Revenue without resulting in an additional amortization allowance less than the net excessive profits. This is determined by subtracting from (A) the following amount. To determine such amount subtract the net excessive profits after State income and excess inventory adjustments but before additional amortization allowance, from the additional amortization allowance. Divide such result by the "allocable percentage" and this will give the amount to be subtracted from (A) in order to find (C). It should be noted that "additional amortization allowance" means the additional amortization allocable to renegotiable business.

SUBPART I—ADDRESSES

1. Section 1607.791–1 is amended to read as follows:

§ 1607.791–1 *Secretary's Office.*

Room 3B 748, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73636.

[RR 791.1]

2. In § 1607.791–2 the first, third and fourth paragraphs are amended to read as follows:

§ 1607.791–2 *Members.*

Maurice Hirsch, Brigadier General, G. S. C., Chairman (War Department) Room 3B 684, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 74427.

* * * * *

Mr. Edwin H. Barker (Navy Department) Room 3329, Main Navy Building, 18th and Constitution Avenue, N. W., Washington 25, D. C., Tel. Republic 7400, Ext. 5169.

Mr. Raymond Eberly (Treasury Department) 5304 Procurement Building, 7th and D Streets, S. W., Washington 25, D. C., Tel. District 5700, Ext. 2105.

3. Sections 1607.791–3, 1607.791–4 and 1607.791–5 are amended to read as follows:

§ 1607.791–3 *Office of General Counsel.*

War Contracts Price Adjustment Board, Attention: Philip Nichols, Jr., General Counsel, Room 3332 A, Main Navy Building, 18th and Constitution Avenue, N. W., Washington 25, D. C., Tel. Republic 7400, Ext. 62022.

[RR 791.3]

§ 1607.791–4 *Assignment Office.*

Assignments and Statistics Branch, Renegotiation Division, Room 3B 679, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73678.

[RR 791.4]

§ 1607.791–5 *Pentagon Office.*

Room 3B 748, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73636.

[RR 791.5]

4. Section 1607.792 is amended to read as follows:

§ 1607.792 *Departmental Price Adjustment Boards.*

War Department Price Adjustment Board, Attention: Colonel W. H. Coulson, Executive Officer, Room 3B 712, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 5672.

Navy Price Adjustment Board, Attention: Mr. Edwin H. Barker, Chairman, (Navy Department), Room 3329, Main Navy Building, 18th and Constitution Avenue, N. W., Washington 25, D. C., Tel. Republic 7400, Ext. 5169.

Services and Sales Renegotiation Section, Office of Procurement and Material, Navy Department, Washington 25, D. C., Tel. Republic 7400, Ext. 61468.

Treasury Department Price Adjustment Board, Attention: Mr. Raymond Eberly, Chairman, 5304 Procurement Building, 7th and D Streets, S. W., Washington 25, D. C., Tel. District 5700, Ext. 2105.

Maritime Commission Price Adjustment Board, Attention: Mr. John R. Paull, Chairman, Room 512, Electrical Workers Building, 1200 15th Street, N. W., Washington 5, D. C., Tel. Executive 3340, Ext. 608.

War Shipping Administration Price Adjustment Board, Attention: Mr. James L. Murphy, Chairman, 39 Broadway, New York 6, New York, Tel. Whitehall 3–8000.

Reconstruction Finance Corporation Price Adjustment Board, Attention: Mr. Henry T. Bodman, Chairman, Lafayette Building, 811 Vermont Avenue, N. W., Washington 25, D. C., Tel. Executive 3111, Ext. 8 or 48.

[RR 792]

5. Section 1607.793–1 is amended to read as follows:

§ 1607.793–1 *Headquarters.*

Price Adjustment Branch, Readjustment & Procurement Division, Office of Assistant Chief Air Staff—4, Room 5C 964, The Pentagon, Tel. Republic 6700, Exts. 72209, 4577, 74568.

Price Adjustment Unit, TSBPS9A, Air Technical Service Command, Army Air Forces, Wright Field, Dayton, Ohio, Tel. Kenmore 7111, Exts. 22135, 23292, 25225.

The Chief of Chemical Warfare, Attention: Major Howard W. Fensterstock, Purchase Policies Branch, Baltimore Sub-Office, OC CWS, 200 West Baltimore Street, Baltimore 1, Maryland, Tel. Lexington 0710.

The Chief of Engineers, Attention: Col. John B. Heroman, Jr., Price Adjustment Section, Room 3272, New War Department Bldg., Department Bldg. 5, Washington 25, D. C., Tel. Executive 7700, Ext. 76225.

The Chief of Ordnance, Attention: Maj. Harry Donnelly, Price Adjustment Branch, Room 2D 445, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 4937.

The Quartermaster General, Attention: Lt. Col. Albert W. Tolman, Jr., Price Adjustment Section, Room 2035, Tempo. A, 2d and Q Streets, S. W., Washington 25, D. C., Tel. Republic 6700, Ext. 3744.

The Chief Signal Officer, Attention: Captain Maurice Smith, Price Adjustment Section, Room 3C 285, The Pentagon, Washington 25, D C., Tel. Republic 6700, Ext. 6462.

The Surgeon General, Attention: Director Renegotiation Division, Room 2E 273a, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 72550.

The Chief of Transportation, Attention: Mr. Halsey Dunwoody, Price Adjustment Section, Room 3A 510, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73885.

Major George P. Steinmetz, Deputy War Department Power Procurement Officer, Utilities Price Adjustment Section, Office Chief of Engineers, 5256 New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 79994.

[RR 793.1]

[F. R. Doc. 46–12594; Filed, July 25, 1946; 10:06 a. m.]

Chapter XXIV—Department of State

[SPA Reg. 8, Order 5]

PART 8308—FOREIGN DISPOSAL

IMPORTATION OF SURPLUS GLYCERINE INTO UNITED STATES

Correction

In Federal Register Document 46–12434, appearing at page 7938 of the issue for Tuesday, July 23, 1946, the citation for the Surplus Property Act of 1944 should read: "(58 Stat. 765)".

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

REYNOLDS CHANNEL; HIGHWAY BRIDGE, NASSAU COUNTY, N. Y.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the regulations governing the operation of the highway drawbridge across Reynolds Channel between Island Park and Long Beach, Nassau County, New York, are hereby made applicable also to the operation of the highway drawbridge across Reynolds Channel between Lawrence and Atlantic Beach, Nassau County, New York, the title and regulations being amended to read as follows:

§ 203.173 *Long Island Intracoastal Waterway; Nassau County highway bridges across Reynolds Channel at Long Beach and Atlantic Beach, N. Y.* (a) The owner of or agency controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) Except as provided in paragraph (c) of this section, the draw shall be opened promptly when the signal hereinafter prescribed for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw.

(c) (1) *Long Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between the hours of 3:01 p. m. and 7:59 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided,* That the draw shall be opened promptly at all times to vessels owned, controlled, or employed by the United States Government. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

(2) *Atlantic Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between the hours of 11:00 a. m. and 9:00 p. m., and on weekdays between the hours of 4:00 p. m. and 7:00 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided,* That during the period from two hours before to one hour after the time of predicted high tide the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the closed draw: *Provided further,* That the draw shall be opened promptly at all times to vessels owned, controlled, or employed by the United States Government. The time specified is eastern daylight saving time or eastern standard time, whichever is in force. For the purpose of these regulations, predicted high tide shall be deemed to occur ten minutes earlier than the time of predicted high tide for Sandy Hook as given in the tide tables for the United States published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time, and one hour should be added to convert to eastern daylight saving time.

(d) (1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels owned, controlled, or employed by the United States Government: Four distinct blasts of a whistle, horn or megaphone, or four loud and distinct strokes of a bell.

By all other vessels: Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell

sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard: A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator: Sound signals.* Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day or a red light at night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(iii) *By vessels.* Vessels or other watercraft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or, if open, must be closed immediately, shall acknowledge said signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light at night.

(e) Automobiles, trucks, and other vehicles or vessels and other watercraft shall not be stopped or manipulated in such a manner as to hinder or delay the operation of the draw, but all passage over the drawspan or through the draw opening shall be in such a manner as to expedite both land and water traffic.

(f) The owner of or agency controlling the bridges shall provide and keep in good legible condition on each bridge two board gauges painted white, with black figures not less than eight inches high, to indicate the minimum headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on each bridge that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure. (Upon request, the District Engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.)

(h) Copies of these regulations shall be conspicuously posted on both the upstream and the downstream sides of each bridge in such manner as to permit their being easily read at any time.

(Regs. 10 July 1946 (CE 823 (Far Rockaway Bay-Lawrence-Atlantic Beach, N. Y.)—SPEWR))

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-12593; Filed, July 25, 1946; 10:05 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

TOTAL DISABILITY PROVISION FOR UNITED STATES GOVERNMENT LIFE INSURANCE

The eighth paragraph of the total disability provision for United States Government life insurance, authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, is amended as follows:

§ 10.3164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* * * *

This provision may be canceled by the insured at any time upon written request to the Veterans' Administration accompanied by the policy and this provision for indorsement. This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of thirty-one days thereafter. If a premium be not paid as stipulated, then this provision shall cease and terminate, but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans Affairs, and upon the payment of all premiums in arrears with interest at the rate of five per centum per annum from the due date of each premium. If the application and the premiums with interest are submitted within three months after the due date of the premiums in default, reinstatemen may be effected upon evidence satisfactory to the Administrator showing the applicant to b in as good health as he was on the due date of the premium in default.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

JULY 25, 1946.

[F. R. Doc. 46-12598; Filed, July 25, 1946; 11:13 a. m.]

PART 20—GUARDIANSHIP AND LEGAL ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Section 20.5020 canceled July 25, 1946.

§ 20.5021 *Functions of the office of the chief attorney, regional office or center.* The duties of the chief attorney, regional office or center, will be as follows:

(a) Guardianship—As specified in this part.

(b) Representative of the solicitor, and thereby legal advisor to the manager of the office to which assigned and other field stations of the Veterans Administration located within the area allocated to that office.

(c) All field investigations (examinations), including those requested in insurance, adjusted compensation, pension, and compensation cases; and such others as may be assigned.

(d) Cooperate with the United States attorneys in civil and criminal actions arising under the laws administered by the Veterans Administration.

(e) Pass upon all contracts or leases referred to him by the manager. To make such examination as may be needed in connection with cases wherein violation of Federal penal statutes is suspected, and to collaborate with the United States attorneys in the prosecution of such cases. In all cases within the jurisdictional limitations of §§ 20.-5200 to 20.5217, to investigate and determine whether, under the law of the State, the person having custody of the claimant is legally vested with the care of the claimant or his estate within the meaning of section 21 of the World War Veterans' Act, 1924, as amended, or section 313 of the World War Adjusted Compensation Act, as amended, and prepare the certification required by such paragraphs. As directed by manager or deputy administrator to make investigations on general administrative matters.

Determine and certify legality of appointment of guardians or other fiduciaries. Pass upon all requests for information on matters contained in administration files as provided in existing instructions, and be completely responsible for action in connection with subpenas for production of administration records in court. Maintain a complete cross-reference index of all administration issues and all issued legal precedents affecting the operation of the administration. Responsible for all examinations pertaining to legal and guardianship matters, claims for damages arising out of alleged negligence of administration officers and employees, and such other examinations and duties as are comprehended herein. Cooperate with all services to the end that minor and mentally incompetent claimants receive all benefits to which they may be entitled under the laws administered by the Veterans' Administration; and that the interests of minor and mentally incompetent beneficiaries, receiving benefits through fiduciaries properly appointed or constituted, will be safeguarded. Supervise the activities of such fiduciaries in the administration of their trust, see that bonds are furnished in appropriate amounts and with satisfactory sureties, secure certified copies of accounts rendered to the court, check all such accounts, and bring to the attention of the appointing court all cases wherein such fiduciary is found to be delinquent in any such matters or otherwise unsuitable. Secure accountings to the administration where accounts are waived by the court or not required annually under the State law, and at such other times as may be deemed necessary. Secure accounts from all custodians, and check same as to accuracy and with regard to appropriate expenditures of wards' funds.

Survey the social and economic conditions of all minor or incompetent beneficiaries of the Veterans Administration within his regional territory. Cooperate with the courts in the commitment of incompetent beneficiaries and appointment of guardians for minor or incompetent beneficiaries, or when authorized, to secure appointment of such guardians. Cooperate with chief attorneys of other offices in all cases wherein mutual aid and collaboration are essential. This refers to cases wherein the beneficiary is in one regional territory and the guardian, or appointing court, in another. Represent the Administrator in any action taken under section 21 (2), World War Veterans' Act, 1924, as amended (38 U. S. C. 450), where satisfactory adjustment cannot be otherwise obtained; notify the appropriate service or division of central office or division or unit of regional office to stop payment of any and all running awards therein, giving full reasons for such action. Take action as required or authorized in cases involving loans guaranteed or insured by the United States pursuant to Public Law 346, 78th Congress, as amended. Cooperate with the chief medical officer to insure that no action will be taken that will be detrimental to a beneficiary, and that such beneficiary is not deprived of any rights other than by due process of law. If any beneficiary has been wrongfully committed, or has a guardian who was illegally appointed, or if a beneficiary duly adjudged incompetent is restored to sanity, to take such action as may be necessary and practical to have such beneficiary discharged and guardian removed, and may give advice and aid to the beneficiary in having himself adjudged sane, or sanity legally restored. Cooperate with the manager of hospital or chief medical officer with regard to commitment of patients and discharge of committed patients and to cooperate with such administration officers and State authorities in cases where such beneficiaries elope from hospitals. Keep a record of all action taken in each guardianship case handled, a record of accounts, and such other records as will enable him to supply the data necessary for the monthly report. His files and records will be kept in such order that they will be available at all times for checking by the field supervisor. Cooperate with all interested welfare agencies and secure their interest and cooperation in carrying out the administration's policy respecting minors and incompetents. Present to the State or local bar association, welfare organizations, or State legislature, suggestions relative to legislation or other matters.

No part of the work of a chief attorney's office will be made subordinate to any other phase of the activities of his office. All of the work of the chief attorney's office should be maintained on as current a basis as is consistent with personnel available.

§ 20.5024 *Organization of the office of chief attorney, regional offices and centers.* There will be a chief attorney's office in each regional office and center in the United States and its insular and territorial possessions, which shall be composed as follows: Chief attorney; assistant attorney; associate attorney; field examiner or examiners; examiner of accounts; stenographer-secretary; and such clerical personnel as may be necessary.

Section 20.5025 canceled July 25, 1946.

§ 20.5026 *Duties of personnel of chief attorney's office.* The personnel of the chief attorney's office will have such duties as are hereinafter prescribed, and such other duties as may be assigned them.

§ 20.5052 *Requests for examinations.* Normally only the original of Field Examination Request and Report (Form 3537a or other, if specified) and of the brief or summary, if any, will be furnished field stations. But if duplicate or additional copies of the report are desired by the originating agency, this will be indicated by supplying additional copy or copies of the request. The field examination request and report will be made a part of the field examiner's report. No copies of requests or reports will be retained by the chief attorney except that in administrative or guardianship matters a copy of the request, report, affidavit, depositions, etc., may be retained, if desired. But completed sheets of the Docket of Field Examinations, Form 3530, will be maintained as long as necessary, at least for a period of two years, after which they will be disposed of as provided in instructions governing disposition of inactive records.

(a) All requests for examinations originating in a field station—outside of the routine work of the chief attorney's office—will be forwarded direct to the chief attorney of the office in which the field examination is to be made.

(b) All adjudicating and other agencies are directed to observe the provisions of this section, and the following instructions concerning requests for field examinations. In the case of a reexamination the insufficient or unsatisfactory report will be forwarded with the request for reexamination and in the event of further examination regarding a statement or affidavit made by an individual, the statement or affidavit will accompany the request. Field Examination Request and Report, Form 3537a, will be prepared in each case in duplicate, one copy retained in file, the original being signed by the office making the request and forwarded to the chief attorney, whose office is to make the examinations. If simultaneous examinations are to be made in different offices, sufficient additional copies will be made so that a copy may be sent each office concerned. The statement of facts should be sufficiently complete to give the receiving office, and the field examiner to whom the examination is assigned, a clear understanding of the situation, and the statement of facts to be developed must be specific and as complete as circumstances may permit. If documents are in question or involved, they should be attached to the Form 3537a. The complete file will be forwarded with the request for field examination when, in the opinion of the activity requesting examination, such action is necessary to satisfactorily accomplish the investigation.

Any request for a field examination, not prepared in the form outlined above will be returned by the chief attorney to the point of origin for compliance with the foregoing instructions.

(c) (1) Assignments should be made with a view to accomplishment of the work in the most efficient manner at a minimum cost. Field examiners must be qualified to accomplish all such work of the chief attorney's office; and in each office the work will be so organized that cases will be assigned for examination by the chief attorney or by an employee designated for that purpose, and care will be taken to assure the assignment of all cases within the territory covered by the field examiner's itinerary. The office will keep in touch with the examiner through the means of daily reports so that special cases can be sent the field examiner without awaiting or requiring his return to official station.

(2) *The examination proper.* The field examiner, upon receipt of the Field Examination Request and Report, Form 3537a, will determine the order in which the persons are to be contacted, prepare his itinerary, and will proceed under instructions to interview all persons within his territory who may have knowledge or information as to points involved. The legal rights of all witnesses will be scrupulously respected. All possible leads to undeveloped facts wil be carefully followed and interviews had with all witnesses. Additional leads will be thoroughly investigated within the limits of the territory prior to the submission of the examination report. Should additional leads be developed, requiring examination within a foreign territory, the field examiner will secure all available information necessary for a further examination and include in his "report" a recommendation for such examination showing the full name and address of all witnesses.

(3) *Development of medical evidence.* When a field examiner contacts a physician for the purpose of securing a statement or an elaboration of a previous statement furnished, the physician's records should in all instances be inspected and an exact and complete copy of same made. Field examiners should furnish a description of the physician's method of keeping records. If the authenticity of the physician's reported records is in question, the field examiner should, if possible, inspect the records pertaining to the claim, ascertain their apparent age and compare them with other records of patients examined and treated by the physician at approximately the same time. It should be ascertained whether or not the physician maintains complete records in other cases comparable to the purported record in the case under consideration. If records are incomplete, the field examiner should, by questioning, determine the objective clinical findings observed by the physician. In addition thereto information should be requested concerning the subjective symptoms, character of treatment administered, result of therapy,

dates of reexamination, clinical findings observed on reexaminations and any other pertinent data. If the authenticity of reported positive laboratory findings, more particularly X-ray examinations, urinalysis, sputum examinations for tubercle bacilli, etc., is in question, the field examiner should ascertain the character of the laboratory facilities of the physician. If there is in question the correctness of positive laboratory reports, such as positive tubercle bacilli findings, information should be obtained as to the method of preparing slides for microscopic examination, the character of stain and counter-stain used. If the physician has records of laboratory examinations conducted in reference to other patients at approximately the same time, a comparison between such records and the records on the case in question should be made.

(4) *Deposition.* The examiner, when securing a written statement from a witness, will include in a confidential report his personal impression as to the witness' character, reliability, or general standing in the community, and the basis on which such impression is predicated. In no instance will the examiner place such remarks upon the affidavit or statement secured from the witness. Affidavits or statements should be prepared—preferably typed—in the presence of the witness, who should read and sign each page of the statement in the presence of the examiner. Each signed statement should be written on Form 3536 and Form 3536a, and close with the the following:

I hereby state that I have read the foregoing (or, if witness cannot read, I have heard the foregoing read) and that it is true to the best of my knowledge and belief. After the witness' signature the field examiner should place the attestation (jurat):

Subscribed and sworn (or affirmed) to before me this __ day of _____ 19__; and I hereby certify that the foregoing statement was read by (or read to, as the case may be) the affiant before signing.

(5) *Search of records.* Field examiners will be called upon to search municipal, county and State records, as well as to examine the records of individuals and corporations for the purpose of determining marital status, names of witnesses to the marriage, and any records of criminal or civil actions in which claimant was a party, health reports, social investigations as made by welfare or social organizations, work reports as maintained by individuals or corporations employing the claimant, and field examiners will secure certified copies of the originals of such records whenever the same are believed by the examiner to have any evidential value in connection with the subject matter of the examination. A certificate of search should be prepared in every such search of records, except when the original, a copy certified by the custodian thereof, or a copy certified by the field examiner is secured.

(6) *Responsibility of field examiner.* To the end that justice may prevail in any claim, the field examiner will be most painstaking in his endeavor to assemble all facts with reference to the issue, assuming throughout an impartial attitude, seeking only to develop the facts, whatever they may be and regardless of whom they may favor, but all the facts, and eliminating matter of a heresay nature, except in reference to impressions gained within a community as to the merits of a claim, or witness' general reputation for truth and veracity. The field examiner must remember that he is an official of the United States, sworn to do his duty; and that he should perform his duty fearlessly and conscientiously. The report should be confined to an expression of facts and should not contain an expression of personal opinion except as to the witness' character, reliability, credibility, or general standing in the community.

(7) Field examiners in many instances do not conduct a thorough examination but instead carry on a brief inquiry regarding the matter and submit a preliminary report. In such instances it is necessary to reassign the case for further examination, thereby necessitating unnecessary duplicate travel.

In alleged criminal or forfeiture cases the accused should be confronted with the allegations, but not the evidence, against him; and permitted, after due warning, to make any statement he desires, or supply any evidence or additional leads he may have. Cases which may involve action by the Department of Justice should be so completely developed—if time and circumstances permit—as to enable such action to be taken without necessary reference to the Bureau of Investigation for further development.

(d) Travel will be authorized in accordance with existing regulations. Extraterritorial travel may not be performed without prior authority. Such authority may be issued to a field examiner before he starts on an itinerary, or while he is in travel status. If in travel status authority for extraterritorial travel may be granted by an amendment to his travel order. If necessary travel in an adjoining regional territory will result in economy and advantage to the Veterans' Administration by completing the field examination promptly, such travel should be authorized thus avoiding reference to the adjoining regional territory for further field examination. Good administration requires the exercise of sound judgment in such cases. When the field examination may not be completed within these limitations, the chief attorney should refer the field examination request and report of the field examiner to the chief attorney of the field station in which further field examination is required, and notify the agency requesting the field examination accordingly.

(e) All complaints originating in central office regarding the manner in which examinations are made or delay in making examinations will be addressed to the solicitor and any request for reexamination, when such reexamination is occasioned by unsatisfactory work on the part of the field force of the solicitor's office will be referred to the solicitor by the service concerned for reference to the appropriate branch office. All such complaints originating in a branch office will be addressed to the chief attorney in the branch office.

GUARDIANSHIP; PROCEDURE TO BE FOLLOWED IN RECOGNIZING LEGAL CUSTODIAN AND IN SECURING THE APPOINTMENT OF A GUARDIAN, ETC., FOR A MINOR OR MENTALLY INCOMPETENT BENEFICIARY AND IN THE MAKING OF INSTITUTIONAL AWARDS TO CHIEF OFFICERS OF INSTITUTIONS

§ 20.5200 *General; notification to chief attorney.* In order that the chief attorney may supervise, in cooperation with the other services, all Veterans' Administration activities in his region having to do with the welfare of minors or mental incompetents, when any benefit is payable by the Veterans' Administration to a person mentally incompetent or to a minor other than a veteran who has been discharged from the military forces of the United States or a minor widow, the director of the veterans' claims service, director of the dependents and beneficiaries claims service, director of the disability insurance claims service, central office, the director of claims service and director of insurance service, branch offices, or the adjudication officer, field station, will notify the chief attorney of the region wherein the minor or incompetent resides of the necessity for the appointment of a fiduciary or the determination of a legal custodian, as the case may be, and request that such appointment be made as speedily as possible.

§ 20.5201 *Form of notification.* The director of the veterans claims service, director of the dependents and beneficiaries claims service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch offices, or the adjudication officer, field stations, will notify the chief attorney by letter or memorandum, advising the name and date of birth of the beneficiary, name and address of the parent or nearest next of kin of the beneficiary, if available from the records, and the amount of the initial payment and monthly payments to be made. If the beneficiary resides in another regional area, it will be the duty of the chief attorney receiving the letter or memorandum above provided to communicate the information contained therein to the chief attorney of the regional office or hospital concerned.

(a) Section 21 (4) of the World War Veterans' Act, 1924, as amended, repeals the act of August 8, 1882 (22 Stat. 373; U.S.C. Title 38, section 44), and provides that in case of any incompetent veteran having no guardian, payment of compensation, pension or retirement pay may be made, in the discretion of the Administrator, to the wife of such veteran for the use of the veteran and his dependents.

In cases coming within section 21 (4) of the World War Veterans' Act, 1924, as amended, the director, veterans claims service, central office or adjudicating officer, field station, will notify the chief attorney of the office having jurisdiction over the territory in which the veteran resides furnishing information as to the name and address of the veteran and his wife, the amount of the

initial payment and monthly payments to be made. The chief attorney will investigate each case to determine whether the wife is properly qualified to administer the funds payable, whether she will agree to use the funds for the benefit of the veteran and his dependents, and whether all conditions justify payment of the compensation, pension or retirement pay to the veteran's wife; or whether, in the best interests of the veteran and his dependents a guardian should be appointed to receive and administer the funds payable. If the chief attorney determines that payments shall be made to the wife, a complete report will be forwarded to the director of the veterans claims service or adjudicating officer, field station, accompanied by the evidence disclosing the facts, with a recommendation that payments be made to the wife. If the chief attorney determines that the facts justify the appointment of a guardian, he will take action promptly to effect the appointment and will forward the evidence thereof, together with his certification as to the legality of the appointment and adequacy of bond, to the director of the veterans claims service or adjudicating officer, field station, accompanied by a report of the facts and the evidence upon which his determination in this respect was based. (For the purpose of determining whether the funds paid to the wife are being applied as intended and whether the payments should continue to the wife, or whether in the interests of the veteran and his dependents action should be taken to have a guardian appointed, or whether the veteran has recovered and should be rerated as to competency, a social survey will be accomplished each year. The chief attorney will maintain a 3 x 5 card record on such cases, filed alphabetically in the name of the veteran, showing the name and C-number of the veteran, the name and address of the wife and date of recommendation for release of payments to the wife, and will also maintain a correspondence file on each case.)

§ 20.5202 *Notice to office requesting appointment of a fiduciary.* The case file will be diaried by the director of the veterans claims service, director of the dependents and beneficiaries claim service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch office, or adjudication officer, field station, to come up for attention sufficiently far in the future to enable the chief attorney to secure a certified copy of the letters of appointment of the guardian or arrange for the determination of a legal custodian. If action is not then completed, a proper follow-up will be maintained on the chief attorney. It will be the duty of the chief attorney to secure and furnish the officer requesting the appointment of the fiduciary a certified copy of the letters of appointment of the guardian with Form 4704, Certificate Relative to Legality of Appointment and Adequacy of Bond, or Form 555, Certificate of Legal Custody of Claimant. The chief attorney will notify the officer requesting the appointment at the earliest moment possible, as to whether or not there will be a guardian appointed, or a determination as to a legal custodian in the case. The chief attorney will also notify the above-mentioned officers if there is to be a delay in the appointment of a fiduciary, the reason for such delay, and the probable date of appointment.

§ 20.5206 *Evidence of custodianship.* The chief attorney will secure a certificate on Form 4703 executed by the proposed legal custodian, supported by the certificates of two disinterested persons, setting forth the following:

(a) Relationship of proposed legal custodian to the minor or incompetent claimant.

(b) The person legally vested with the responsibility or care of the claimant's estate, and the relationship between such person and the claimant.

(c) The State which is the legal residence of custodian and claimant.

(d) That no guardian, curator, or conservator has been appointed; or that no guardian, curator or conservator has been constituted under the laws of such State of the claimant's residence, as the case may be.

(e) That the person named as custodian is charged with the responsibility and care of the claimant and is exercising same. (The certificate of the two witnesses must state that the proposed custodian is a fit person to have the custody and care of the claimant and is qualified in every respect to receive, disburse, and account for amounts payable on account of the claimant.)

(f) That the claimant is living and in such custody at the time.

(g) The period during which such custody has extended (showing dates).

(h) If the claimant is not in the actual custody of the person claiming to be legal custodian, the reason for such separation and the arrangement under which the claimant resides in some other place should be given, together with the name and address of the person having charge of such claimant.

In addition thereto, the chief attorney will, upon request of the adjudication agency, secure, through the interested parties, certified copies of the following papers, when necessary, under the seal of the custodian of the original records:

(i) Birth certificate or other proof of birth of claimant (if the claimant is a minor.)

(j) Decree of divorce, if any, of legal custodian and veteran.

(k) Decree of adoption, if any, of claimant.

(l) Inquisition papers of unsoundness of mind of claimant, or restoration to sanity.

§ 20.5207 *Recognition of legal custodian.* (a) section 21, World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, third proviso, is as follows:

> That where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the state of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(b) This section of the World War Veterans' Act, 1924, as amended, provides that the Administrator shall determine the person legally vested with the care of the claimant or his estate. This determination is delegated to the chief attorney inasmuch as the question is legal and dependent upon State statutes or court decrees. A study of the State statutes is necessary to determine the person who is legally vested with the care of the claimant. The natural parent is usually recognized as being legally responsible for the care of a minor child unless such relationship has been disturbed by judicial decree. Reference should be made to the State statutes to determine a stepparent's legal responsibility, both during the life of the natural parent and after death of such natural parent. If the natural parent (female) has remarried, some jurisdictions have placed a responsibility upon the stepfather to care for and support the minor children of his spouse, and if such responsibility exists, protective measures must be taken to assure that the Government funds appropriated for the benefit of the minor are actually used for this minor, in addition to the benefits due from the stepparent. When the status of loco parentis exists the person standing in that relationship to the claimant, or the person vested with custody by judicial decree, may be recognized as legal custodian. Extreme care will be taken in considering a custodial award for an incompetent.

In view of the responsibility that is placed upon the chief attorneys, the greatest possible degree of care must be exercised in determining such matters in connection with possible custodianship cases.

§ 20.5210 *Bond of custodian.* The chief attorney, regional office or center, the solicitor or chief attorney, branch office, as the case may be, may require the person recognized as legal custodian of a claimant or as custodian in fact under the provisions of section 21 (3), World War Veterans' Act, 1924, as amended, and § 20.5205 (a), to furnish bond before payments are made to such person on behalf of the claimant. Said bond shall run to the Administrator of Veterans Affairs for the use and benefit of ----------
(Name of Ward)

§ 20.5216 *Waiver of limitation as to the amount of award by the chief attorney branch office.* The chief attorney, branch office, may waive limitation as to the amount of the award specified herein whenever satisfied that the best interests of the claimant will be served thereby, and determine the person entitled to receive payment for the claimants, and in such cases the payments will be made to such person. Such exceptional cases will be brought specially to the attention of the chief attorney, branch office. In those cases the chief attorney will prepare the certificate of custody in duplicate, for the signature of the chief attorney, branch office, retaining one copy and forwarding the original and accompanying affidavits, etc., to the office of the chief attorney, branch office. After action thereon has been taken by the chief

attorney, branch office, the evidence of custodianship will be returned to the proper field station or forwarded to the proper service, central or branch office. Such cases being handled by an insular office not within the jurisdiction of a branch office, or in which the beneficiary whose claim is adjudicated in central office resides in a foreign country will be referred to the solicitor for consideration of waiver of the limitation as to the amount of the award.

§ 20.5220 *Chief attorney to sign certificates required by Uniform Veterans' Guardianship Act, or similar State legislation, as representative of the Administrator.* In accordance with the authority granted to the Administrator under section 7, Public No. 2, 73d Congress, chief attorneys are hereby authorized to sign, as representative of the Administrator, certificates required by the Uniform Veterans' Guardianship Act, or similar State legislation adopted in lieu thereof.

§ 20.5222 *Policy in recognizing banks and trust companies.* The chief attorney, before recognizing State banks and trust companies, will be assured that the financial responsibility of such bank or trust company is without question. The chief attorney will submit a complete report to the chief attorney, branch office, in all cases of closing of banks acting as guardians, or of banks in which guardianship funds are on deposit; and will also report the action that has been, or will be, taken to safeguard the interests of the ward or wards.

COMMITMENT OF MENTALLY INCOMPETENT BENEFICIARIES, APPOINTMENT OF GUARDIANS FOR INCOMPETENT AND MINOR BENEFICIARIES, AND PAYMENT OF EXPENSES IN CONNECTION WITH SUCH APPOINTMENT

§ 20.5223 *Commitment of mentally incompetent beneficiaries.* The chief attorney will render all assistance possible to the courts in commitment cases. To this end there is authority for production of Veterans' Administration records, in court in such proceedings.

§ 20.5224 *Costs for commitment of insane veterans.* Upon certification by the manager or chief medical officer of a regional office or Veterans' Administration hospital, that commitment of an insane male or female veteran to a Veterans Administration hospital or to a contract hospital is necessary in order to afford, or continue, authorized care, the chief attorney is hereby delegated authority to authorize in advance court costs and other necessary expenses to accomplish such commitment. Further authority is hereby delegated to the chief attorney to authorize in advance the payment of court costs and other necessary expenses incident to the restoration to sanity of veterans who were committed at the instance of the Veterans' Administration or the costs of whose commitment were paid by the Veterans' Administration. This authority is to be applied in those States, the laws of which require court proceedings for restoration to sanity and in cases in which the veteran is discharged from the hospital upon the premise that further medical care or treatment is not required. Costs or attorney fees will not be reimbursed without authorization of the chief attorney, branch office.

No change in (a) or (b).

§ 20.5225 *Services of Veterans' Administration physician in proceedings incident to adjudication of insanity.* No change in (a) or (b).

(c) If any party in interest causes a subpena to be issued requiring a Veterans' Administration physician to testify in adjudication proceedings, he should comply therewith. Veterans' Administration physicians may testify on behalf of a veteran in a proceeding brought for the purpose of determining his competency in order that his civil rights may be restored. Veterans' Administration physicians may, if permitted by State law, sign interrogatories or certificates of insanity; and upon th discharge as sane of any veteran committed under the Uniform Veterans' Guardianship Act, or similar State legislation, the manager of a Veterans' Administration hospital may supply the committing court with a certificate of sanity as contemplated by the statute.

(d) If travel is necessary in the performance of the duty contemplated by this section, the manager will authorize same for the Veterans' Administration physician stationed at the regional office or at the hospital, and will encumber his budget accordingly. Physicians will not be ordered from their stations if, in the opinion of the head of the station, their services cannot be spared for the time necessary to permit them to testify. Travel orders for the purposes of this section will not require travel to or from any point more than 100 miles beyond the limits of the regional area and no travel order will be issued unless the Veterans' Administration desires the testimony of the Veterans' Administration physician for the purposes stated.

No change in (e).

§ 20.5226 *Authorizing transportation necessary for appointment of a guardian for, or for commitment of, a veteran beneficiary.* In any case wherein the insane veteran for whom a guardian should be appointed or who should be committed, is in a hospital and under the law of the State wherein the hospital is located a guardian cannot be appointed locally, or, if commitment be necessary, such commitment may not be had locally, it may become necessary to have the veteran returned temporarily to his home in order that proper legal process may be served preliminary to the necessary legal processings. In such case if the hospital is not more than 100 miles beyond the limits of the regional area the chief attorney may authorize the costs in accordance with existing regulations, including such necessary travel of the veteran and an attendant or attendants, if necessary. If the hospital is more than 100 miles beyond the regional area limits the chief attorney will secure prior authority from the chief attorney, branch office. In any event, the chief medical officer or the clinical director of the hospital where the veteran is located will determine whether the veteran is able to travel for such purposes. It is reemphasized that such travel will not be authorized unless there be no other legal method of appointing a guardian, or committing the veteran, as the case may be.

§ 20.5227 *Payment of costs for appointment of guardians pursuant to section 21 of the World War Veterans' Act as amended by Public No. 262, 74th Congress.* Costs for appointment of guardians pursuant to section 21 of the World War Veterans' Act, 1924, as amended, which applies to all benefits payable by the Veterans Administration will be authorized only in cases wherein:

(a) Benefits payable are small and such costs would unduly deplete the estate. In applying the above, chief attorneys may authorize costs and perform legal services incident to the appointment of a guardian in any case wherein the total amount of benefits payable at date of award on which request for appointment of guardian is based does not exceed the amount prescribed by § 35.06 (g) (2), as amended, for the discontinuance of payments; in any exceptional case not falling within this limit, but wherein the chief attorney is of the opinion costs should be paid, a full report may be made to the chief attorney, branch office, with a request that costs be authorized. Costs wil not be authorized or paid in any case if the proposed guardian is not satisfactory.

(b) Costs must be advanced, and there is no immediate estate from which same may be paid. If case does not fall within paragraph (a) of this section recovery of costs so advanced will be made from benefits payable.

(c) Appointment caused by Veterans' Administration and it develops that no benefits are payable and no estate from which costs may be paid.

§ 20.5228 *Chief attorney authorized to incur costs in connection with appointment of guardians.* Subject to the provisions of § 20.5227, chief attorneys are hereby delegated authority to authorize incurrence of such costs, and payment thereof; and may render necessary legal services in such cases.

If in any case not comprehended by § 20.5227, the chief attorney believes that circumstances warrant payment of costs by the Veterans' Administration, he will report the facts with request for special authority from the chief attorney, branch office, to incur costs, and will state the amount of such costs and other expenses involved. The necessary legal expenses in connection with the appointment of a guardian do not include the premium on the fiduciary's bond. Such premium is an administrative expense which must be borne by the guardian or by the estate, depending upon the provisions of the State law.

§ 20.5229 *Costs of certified copies of letters of guardianship and guardians' bonds authorized.* No change in (a) (b) or (c).

(d) Vouchers for payment of above expenses will refer to this paragraph; and if special authority has been secured in any case, to the approval letter of the chief attorney, branch office, as authority therefor.

No change in (e).

§ 20.5231 *Administrative action incident to commitment of mentally incompetent veterans.* It will be the duty of the chief attorney in all cases under his jurisdiction to take all administrative action devolving on the Veterans' Administration incident to the commitment of mentally incompetent veterans, or other legal action under section 21 (2), as amended, and as authorized herein. The chief attorney will obtain such information as is necessary to determine that the costs charged are correct, just, and necessary, and in accordance with the provisions of §§ 20.5223 to 20.5229. Payments will be made in accordance with finance procedure.

§ 20.5232 *Issuance of authorizations for commitment of mentally incompetent veterans.* The chief attorney will be responsible for the issuance of all authorizations for the commitment of mentally incompetent veterans when required for purposes of authorized care and for court expenses incident to appointment of a guardian when such action is at the instance of the Veterans' Administration as outlined in §§ 20.5224, 20.5227 or 20.5229.

§ 20.5233 *"Necessary cost."* The chief attorney will see that the voucher is executed properly showing the court costs or expenses incident to such action and the amount and for what purpose the charge is made, that the charges are correct, just, and necessary, and in accordance with §§ 20.5224, 20.5227 or 20.5229. The "necessary costs" must, in the absence of a judicial finding as to their amount, be correct, just, and proper.

§ 20.5237 *Employment of local attorneys.* In any case wherein legal action at the expense of th eVeterans' Administration is authorized, if the legal services cannot be performed by the chief attorney or his assistant, by reason of distance, time, and cost of travel involved, etc., the chief attorney will secure authority from the chief attorney, branch office, to employ a local attorney to handle the case. If the guardian to be removed is in one jurisdiction, and the appointment of the new guardian is desirable and legal in another jurisdiction, the chief attorneys within the respective jurisdictions will be jointly responsible for the legal action involved, and will cooperate so as to insure a satisfactory adjustment. After appointment, the chief attorney within the jurisdiction of the appointing court will maintain the principal guardianship file. The other chief attorney, however, will attend to the final acounting, etc., of the removed guardian. The policy of the Veterans' Administration is to have the guardians appointed, in the first instance, where the beneficiary resides permanently, and thereafter not to change guardians except for the most cogent reasons. In such cases every effort will be made to prevent the charging of a commission by the new guardian on the corpus of the estate transferred.

(a) In asking for authority to employ a local attorney under this paragraph the chief attorney should give sufficient information to enable the chief attorney, branch office to determine what would be the approximate cost should the service be performed by the chief attorney, and in addition should state the name of the attorney whom he desires to employ and should indicate whether the attorney will perform the service for a fee within the limitations of the schedule of fees. An attorney should not be employed to file a petition for an inquisition in lunacy except under the provisions of § 20.5230. In other words, the chief attorney should not employ an outside attorney to perform the services which the chief attorney is not authorized to perform.

§ 20.5244 *Cooperation with medical division, regional office, and facilities.* Before any steps are taken toward commitment of any incompetent beneficiary, or appointment of a guardian therefor, contact must be had with the chief medical officer, regional office or hospital to insure that such action is necessary. The chief attorney, through the chief medical officer, may request such examinations as may be necessary to establish the facts as to the competency or incompetency of the beneficiary. Close cooperation is essential. Any legal action desired by the medical service may be initiated through the chief attorney, and the latter will consult with the medical service in all cases involving the physical and mental welfare of the beneficiary.

§ 20.5245 *Contact with federal, State and contract institutions.* The chief attorney will maintain close liaison with the managers of Veterans' Administration hospitals, officers in charge of other Federal hospitals, and superintendents of State and contract institutions, to the end that the chief attorney will be notified of admissions, commitments, trial visits, elopements and discharges of incompetent veterans, Medical Form 2622, Information Regarding Movement of Persons Receiving Hospital Treatment, will be used by the managers of Veterans' Administration hospitals for this purpose, and more particularly in relation to the prescribed procedure to avoid interruptions of payments in cases of incompetent veterans on trial visits. This form will be sent by the manager to the chief attorney in whose area the hospital is located. In the cases of eloped patients, every facility of the Veterans' Administration will be made available to the chief attorney in endeavoring to have such patients returned to the hospital in accordance with prescribed procedure.

§ 20.5246 *Cooperation from officers in charge of institutions.* The chief attorneys will solicit a like cooperation from the officers in charge of these institutions, to the end that no committed case will be discharged without the chief attorney being notified so that any court action necessary may be taken.

In cases in which continued hospitalization is considered necessary by the manager, and the guardian or nearest relative desires that the beneficiary remain at the Veterans' Administration hospital or contract hospital, the manager will request the chief attorney to authorize commitment expenses. If commitment direct to the Veterans' Administration hospital is possible under the State law, the chief attorney will authorize such expenses and will assist in securing the commitment, subject to § 20.5224.

Section 20.5247 *Cooperation from managers* canceled July 25, 1946.

§ 20.5251 *Supervision of fiduciaries; legal services.* (a) Legal services, if desired by the guardian, may be supplied by chief attorneys' offices if the estate or income is not sufficient to justify the employment of an attorney and as provided in § 20.5329.

No change in (b).

§ 20.5252 *Schedule of attorneys' fees payable by Veterans' Administration.* No change in (a), (b), (c), (d), (e), or (f).

(g) In exceptional cases amounts in excess of those prescribed by the schedule, or without reference thereto, may be allowed in the discretion and upon the written authorization of the chief attorney, branch office, or solicitor.

§ 20.5260 *Determination of need for institutional award and notification to adjudicating agency.* Paragraph (a) is added to § 20.5260.

(a) When under prescribed procedure an institutional award and apportionment to dependents, if any, have been made in advance of reference to the chief attorney, upon receipt of Form 592, the chief attorney will make any necessary determination as to whether the institutional award and apportionment satisfactorily provide for the veteran and dependents, or as to whether payments should be made to the wife under § 20.5201 (a). If the wife, or other dependents, reside in an area of a different regional office, the chief attorney will forward the Form 592 to the chief attorney of that office. If the chief attorney determines that a special apportionment is proper he will submit any necessary information, with his recommendation as to the amount to be paid the dependents, to the adjudicating agency in the regular procedure. Any adjustment with reference to the institutional award will be taken up by or with the chief attorney in the area in which the hospital is located. If payments are made to the wife, the chief attorney having jurisdiction of the area in which the wife resides is the principal chief attorney for purposes of § 20.5201 (a). In cases of this nature adjudicated in central office, or branch offices, the Form 592 will be forwarded to the chief attorney in the area in which the veteran is hospitalized and a separate Form 592 to the chief attorney in the area in which the dependents are located, if different from that in which the veteran is hospitalized.

§ 20.5262 *Limitation of wards to individual guardians.* No change in (a).

(b) In those instances in which an individual has heretofore been recognized by the Veterans' Administration as guardian of the estate, or as guardian of the person and estate of more than five beneficiaries, except for minors of the same family, the chief attorney will take no

further action if the administration of the estates, or of the persons and estates, is satisfactory in every respect. If conditions are not satisfactory, the chief attorney will notify the guardian accordingly, will advise him of the provisions of section 21 (1), World War Veterans' Act, as amended by Public No. 262, 74th Congress, with respect to the Administrator's discretionary authority to refuse payments, and will request the guardian to reduce the number of guardianships to not to exceed five or to remove the unsatisfactory conditions. The chief attorney will then report the facts, and results if any obtained, to the chief attorney, branch office, together with a recommendation as to what further action should be taken.

No change in (c) or (d).

Section 20.5264 *Legality of appointments of guardians,* canceled July 25, 1946.

§ 20.5271 *Responsibility for all matters relating to guardianship of beneficiaries of the Veterans' Administration.* To avoid duplication of work by hospitals and regional offices, and to enable the chief attorney to have at his command complete data before taking action in any case, officers in charge of Veterans' Administration hospitals will communicate directly with the proper chief attorney whenever it is found that a claimant who is in the hospital under his control is in need of a guardian. All available information bearing upon the case, particularly that with reference to the proper person to be selected as guardian, will be furnished by the hospital to the chief attorney.

§ 20.5296 *Duty of chief attorney in securing social survey reports in guardianship and legal custodianship cases.* Subject to the above, chief attorneys are charged with the duty of securing social survey reports in all guardianship and legal custodianship cases and cases in which payments are being made to a wife of an incompetent veteran; and to see that funds are properly applied to the beneficial interest of the ward.

(a) The policy as stated is to secure a complete survey, initially, on every ward on whose account payments are being made. As a result of the conditions found, cases fall naturally into two general classes. One, those in which it may naturally be expected that the satisfactory conditions will continue indefinitely, and two, those wherein unsatisfactory conditions are shown to exist.

(b) With regard to the former, the chief attorney is authorized thereafter to waive the social survey in connection with subsequent annual accountings if satisfied that conditions are satisfactory. He secures information in various ways, sometimes through informal contacts, often through some local official or member of a cooperative agency. If any question arises, however, he must necessarily secure a social survey showing the exact facts.

(c) The second class is much more difficult. If the adjustment indicated is one that can be accomplished through the guardian or the court the chief attorney takes such action as may be necessary. This usually involves financial matters and may require, in extreme cases, the removal of the guardian and the appointment of a satisfactory successor. Frequent follow-up is often necessary to insure that the adjustment is actually accomplished. These contacts are usually made by field examination personnel or social workers.

(d) Frequently, however, the adjustment indicated as desirable involves a real social problem, one requiring intensive and extensive study and follow-up by a qualified social agency. This may be either a public or a private organization. Such cases which involve action beyond any authority of the Veterans' Administration are referred to welfare agencies for such intensive case work as may be necessary or possible. To avoid duplication of effort, and any consequent apparent harassment through too numerous visits, the Veterans' Administration generally follows up on such cases only after the particular agency advises the chief attorney that the case is no longer an active one. Of course, in exceptional cases a survey is secured if and when needed. Usually the reports of the agency are sufficient.

§ 20.5305 *Accounting not required.* The maintenance of a guardianship file and an accounting record, and the securing of an accounting from the legal custodian or other fiduciary will not be required in cases in which the only payment to the legal custodian or other fiduciary on a monthly basis does not exceed $5, or in cases in which the only benefit payable is an accrued amount in a lump sum of $100 or less, or in cases where the accrued amount payable is $100 or less and the monthly payments do not exceed $5. All active cases falling within these provisions will be closed at the time the next accounting is due or after all unsatisfactory guardianship matters in any such cases have been finally adjusted. New appointments of fiduciaries in cases falling within the above provisions will be counted as received and released during the same month by the chief attorney on the monthly report submitted to central office. In States in which accountings of guardians are not waived by the courts and copies thereof are furnished the chief attorney under the provisions of the Uniform Veterans' Guardianship Act, or similar legislation, the chief attorney will continue supervision over the guardian and the provisions of this paragraph will not be applicable in such cases.

Section 20.5306 *Payments of accrued benefits to custodian. Cancelled* July 25, 1946.

CUSTODIANS

§ 20.5312 *Requirement of bond after recognition of legal custodian.* In any case, the chief attorney, regional office or center, the solicitor or chief attorney, branch office, may require that such custodian furnish a sufficient bond with satisfactory security. (See § 20.5210.)

GUARDIANS

§ 20.5317 *Bonds and sureties.* (a) In exercising supervision over the administration of estates of minor and incompetent beneficiaries of the Veterans' Administration by their fiduciaries, as authorized by the acts of Congress, it will be the policy of the Veterans' Administration to require corporate surety bonds in each guardianship case in which the fiduciary is an individual. In cases of corporate fiduciaries corporate bonds will be required except in those States the laws of which specifically exempt corporate fiduciaries from furnishing bonds and do not vest discretion in the courts with respect to requiring bonds. The adjustments in this matter of furnishing corporate surety bonds may be made at such time as the annual accounting is rendered to the Veterans' Administration and/or the court. In cases wherein guardians neglect or refuse to furnish corporate bonds as requested by the chief attorney, the chief attorney may decline to open or continue payments to such guardians until and unless the appointing court has passed formally on the question whether such bond should be supplied.

(b) In any case where it is impossible for the fiduciary to obtain a corporate surety bond, or where the amount of the estate or of benefits payable is so small as not to justify the expense of a corporate surety bond (as in cases in which the estate does not exceed $1,500 and in which payments are not continuing, or would all be used as received for the support of the ward), the chief attorneys are authorized to accept bonds with at least two personal sureties upon receipt of definite evidence that each such surety owns real property, over and above all liens and incumbrances, at least equal to the penal sum of the bond and qualifies in accordance with the requirements of the State law in which the guardianship is pending. In such instances, and those wherein the court declines to require a corporate surety bond, the fiduciary will be required to furnish with each accounting definite evidence as to the financial status of the personal sureties and, where any question arises as to the ability of such personal sureties to meet any probable liability, the chief attorneys will investigate their responsibility and will promptly authorize suspension of payment as provided in § 20.5363 (a), until satisfied that the personal sureties are responsible, as provided herein. If such an investigation discloses that the personal sureties do not meet the requirements stated herein, corporate surety bonds will be secured if possible. Additional or increased bonds will be required at each accounting period commensurate with the value of the estate and the chief attorneys will be responsible for seeing that action is taken with the court to assure that adequate bond with good surety or sureties is in effect.

(c) The chief attorney will set up and maintain a card index of all corporate sureties arranged alphabetically. Immediately following each such index card, the chief attorney will place cards listing all cases in which bonds have been furnished by the particular surety company, arranged alphabetically. In the event of a change of surety the card in the individual case will be transferred under the name of the new surety company and, where bonds are supplied by different surety companies in a specific

case a separate card will be maintained with a list of the particular surety companies and appropriate cross references made. If any surety company is placed in receivership or ceases to do business in the particular State, the chief attorney will take the necessary action to have proper bonds substituted in each case. In the case of receivership, bankruptcy, or other proceedings to conserve the assets, or wind up the affairs of a corporate surety, the chief attorney will ascertain the termination date for filing claims with local and general receivers or other designated officials and see that all adjudicated and contingent claims are filed in time to receive proper classification and allowances.

§ 20.5320 *Joint control agreements.* With reference to joint control agreements the Veterans' Administration will take no part in effecting such agreements, inasmuch as it is thought that this is a matter for the determination of the bonding company and the contracting fiduciary.

§ 20.5321 *Investments.* No change in (a) or (b) (1), (2), (3) or (4).

(5) Where investments are made in bonds, the fiduciary will be required to furnish information as to serial numbers, kind of bonds, rate of interest, the date of maturity and security, if any. In the case of United States Government bonds, it is highly desirable that such investments be in the form of registered bonds and the bonds should be registered, unless for good cause shown such registration would be undesirable or unnecessary. The advisability of registering such bonds is stated in paragraph 5, Regulations of United States Treasury Department (Department Circular No. 300, July 31, 1923, as amended) as follows:

> Registration protects the owner of a United States bond from loss or theft, and holders generally are urged wherever practicable to take advantage of the privilege of registration, particularly in cases where adequate facilities are not available for the safekeeping of coupon bonds. No relief can be given in case of the loss or theft of a coupon bond, but in case of the loss or theft of a registered bond, unless assigned in blank or for exchange for coupon bonds without instructions restricting delivery, the Treasury Department will give relief to the owner in accordance with the provisions of paragraphs 83 to 85 of these regulations. Holders of registered bonds receive interest checks drawn on the Treasurer of the United States in payment of interest as it falls due, and their names are all recorded on the books of the Treasury Department.

The chief attorney will advise each fiduciary to keep such bonds in a safe depository under the control of the fiduciary, in order to avoid loss through theft or otherwise. At the time the annual accounting is furnished the Veterans' Administration or filed with the court, the chief attorney will require that the fiduciary furnish definite evidence to the Veterans' Administration or the court that the bonds or other securities in which the funds have been invested are so deposited under the control of the fiduciary. Form 4709, Certificate as to Securities, may be used for this purpose. In the event of the failure of the fiduciary to furnish such evidence, the chief attorney will make appropriate investigations and take such formal court action as may be required to protect the interests of the beneficiary. This provision contemplates that an annual inspection of the securities in each estate under guardianship will be made by the chief attorney's office: *Provided*, That the requirements of this provision as to inspection of the assets shall be considered to have been met:

No change in remainder of paragraph.

No change in (6).

(c) (1) The chief attorney will formally object to a fiduciary's failure to invest surplus funds and appropriately invoke action by the court thereon. Similarly, objection will be made to illegal investments attempted to be made, or shown in current accounts. Whenever the fiduciary attempts to take credit for any loss due to an illegal or questionable investment, or in cases of final accountings, the chief attorney will formally object thereto for the purpose of having the question of liability settled by the court. This will apply likewise to funds on deposit in a closed bank or other depository, where there is any legal objection or question as to liability. Extreme care must be exercised in those jurisdictions holding that a current or intermediate accounting is res adjudicata, or that approval of an intermediate accounting constitutes an approval of the investments appearing therein.

(d) (1) In connection with the matter of investments questions have been raised as to the policy of the Veterans' Administration with respect to the investment of surplus funds on deposit in banks which are members of the Federal Deposit Insurance Corporation authorized by the Banking Act of 1933, 12 U. S. C. 264, or building and loan associations insured by the Federal Savings and Loans Insurance Corporation, 12 U. S. C. 1725. Generally speaking, the law cited will not be material in those States, the statutes of which specifically require investment of trust funds in designated securities, and guardians or other fiduciaries should comply with the State statutes as to investments.

(2) In those jurisdictions where, in addition to specifying the types or kinds of securities in which fiduciaries may invest trust funds, discretion is vested in the court of appointment or the fiduciary of choosing within the specified types or in making other investments, the chief attorney need not except to an order of the court permitting or requiring fiduciaries to leave trust funds on deposit in banks or building and loan associations which conform to the provisions of the law above mentioned and within the amounts protected thereby.

(3) The fact that the deposit is insured in accordance with the Federal laws above mentioned does not affect the status of the deposit, but merely provides limited identification upon loss by failure of the depository.

(4) In those States requiring investment of trust funds in "securities" a deposit in a bank is not such an investment as conforms to such requirement. Such deposits, in order to draw interest, must be time or savings deposits not payable on demand. Hence, they are not as available for immediate needs as are Government bonds, which also usually yield a higher return. These facts should be brought to the attention of the guardian and court in proper cases.

(e) Filing of claims for funds in closed bank, priorities, etc., is the responsibility of the fiduciary. The duty of the chief attorney is to see that the ward's estate is protected against any claim for credit for loss occasioned by failure of the fiduciary properly to carry out his fiducial duties, and to cooperate by giving such general advice and suggestions as may be appropriate.

(f) From the above it will be noted that the Veterans' Administration policy with respect to bonds and investments should be made effective in the highest degree, to the end that beneficiaries' estates will be currently conserved. Any factors or events preventing accomplishment of this program should be reported to the solicitor through the chief attorney, branch office, for determination of any need for further legislative consideration.

§ 20.5322 *Accountings and certificates of balance.* Except in cases where accountings are not required as explained in § 20.5305, accountings will be obtained at least once a year by the chief attorney from all guardians of Veterans' Administration beneficiaries appointed by the courts within the territory of his office. These accountings will be obtained direct from the guardian. When the State courts require acccunting once a year the chief attorney will advise the guardian 60 days prior to the date his account is due in the court of appointment, and forward at the same time two copies of Form 4706 series. The original may be used by the guardian in submitting his account to the court, and a copy forwarded duly certified by the clerk of the court as a true copy of the account filed with the court, together with a certification from the bank or trust company in which the estate of the ward is deposited, showing a balance and certificate regarding inspection of assets as provided in § 20.5321 (b) (5). Accounting Form 4706c will be used in lieu of Form 4706, in those regional areas where the use of Form 4706 is not practicable. In case these Forms 4706 or 4706c cannot be used in the court, the chief attorney will prepare a form suitable to meet the requirements of the State statute or will use regular form supplied by court, and will require that the guardian forward a copy of the form of account as submitted to the court with the certificates of bank balance and inspection of assets at the same time the original is filed with the court. As stated above, accountings will be secured in all cases at least once a year, unless waived pursuant to existent instructions.

§ 20.5326 *Action upon receipt of account.* As soon as the account is received in the office of the chief attorney, it will be duly recorded on the diary card as having been received, and the diary card will be filed as the tickler for the succeeding year. The accounting itself will be attached to the correspondence file and given to the examiner of accounts, who will review the account. If

the account is proper in every respect, the same may be stamped, as above stated. While accounts are examined and briefed by examiners, they will be passed upon finally only by the chief attorney or an assistant attorney.

(a) In cases falling under the provisions of § 35.06 (f) of this chapter, as amended, the chief attorney will determine whether the account shows that the veteran's estate derived from any source equals or exceeds $1,500 and if so, will immediately notify the adjudicating agency of such fact; and in those cases in which the award has been discontinued under the provisions of said regulation the chief attorney will determine whether the account shows that such estate has been reduced to $500, and if so, will immediately notify the adjudicating agency of such fact. If the accounting reflects that the insane veteran has neither wife, child nor dependent parent, and is being maintained at his own expense in an institution, the chief attorney will furnish the adjudication officer or director, veterans claims service, with information as to the amount being paid for such maintenance and whether such amount is in accord with the charge fixed by an applicable statute or valid administrative regulation. The value of the assets of the insane veteran's estate derived from any source will be determined in accordance with the following principles:

(1) Real estate, the assessed value for tax purposes, except where the State law provides it shall be assessed at a specified percentage of its market value, in which event the market value will be ascertained and used. For example, the State law provides real estate shall be assessed for the purpose of taxation at 75 percent of market value, the market value for the purpose of this legislation will be one and one-third times the assessed value. Of course, if the State law provides real estate shall be assessed at its market value then the assessed value will be used. If real estate is encumbered, or the veteran is a co-owner, his equity or proportionate interest only should be used in determining the value of his estate. Where the application of this principle would result in hardship such as the forced sale at an unfair valuation of the real estate, particularly non-income producing real estate, the facts will be reported to the chief attorney, branch office, for consideration.

(2) United States savings bonds, war bonds, adjusted service bonds, and other appreciation bonds, the current value including accrued interest will be used.

(3) Bonds and stocks, the current price listed on recognized stock exchange will be the value to be used.

(4) The following will not be included as assets:

(i) Adjusted service certificate.

(ii) Insurance policy having cash surrender or loan value.

(iii) Personal property such as furniture and household equipment, working tools, livestock, and jewelry.

NOTE: Cash in the estate will be considered notwithstanding it was derived from any of above excluded items.

(b) In the event of the death of a beneficiary under guardianship, the chief attorney will secure from the guardian a final account showing the amount, if any, of funds held by the guardian derived from payments of compensation, pension, retirement pay, automatic or term war risk insurance, or gratuitous or five-year convertible term National Service Life Insurance. The chief attorney will ascertain whether administration will be had on the estate of the deceased veteran, and also whether there are any heirs, and will report the facts to central or branch office, and, in the case of an institutional award, to the chief officer of the institution. If there are no heirs, the balance held by the chief officer will be returned to the Treasury in accordance with finance procedure, and any other funds held by the Veterans Administration or in the "Funds Due Incompetent Beneficiaries" to the veteran's credit will be likewise deposited in the Treasury. If the case falls under the last proviso of section 21 (3) of the World War Veterans' Act, 1924, as amended, the chief attorney wherever possible will endeavor to effect the return of the estate in the hands of the particular fiduciary to the United States, in connection with the final accounting of the fiduciary, or in any manner which may be possible under local procedure and practice, and will submit a report of all such cases to the office of the solicitor through the chief attorney, branch office. The chief attorney will not institute suit by filing a petition in the name of the United States for this purpose, but when such action becomes necessary the matter will be submitted to the Department of Justice by the solicitor upon receipt of the report from the chief attorney. The chief attorney will cooperate with the United States attorney, upon request, in any endeavor to effect the collection of such funds.

§ 20.5330 *Action where account cannot be approved or proper administration of estate may not be secured.* In cases in which the account cannot be passed because objectionable under § 20.5327, the exceptions filed should be sufficient, if sustained, to show the incompetency of the guardian, and unless the court by its own motion will automaticaly remove the guardian, or proper administration of the estate may not be secured otherwise, the chief attorney is authorized to institute action to remove the guardian, to secure the appointment of a qualified successor, and to pay the costs in connection therewith. In case the account or other evidence shows that there has been misappropriation or embezzlement of funds, or other violation of section 2, Public No. 262, 74th Congress, the chief attorney will be governed by the regulations of the Veterans Administration in cases involving violation of Federal penal statutes. It will be incumbent upon the chief attorney in all cases to have the substitute guardian proceed against the guardian and surety.

§ 20.5332 *Guardians' commissions under the Uniform Veterans Guardianship Act.* In order that the chief attorneys, in those States which have adopted the Uniform Veterans Guardianship Act, may cooperate more effectively with the courts in carrying out the intent and purposes of said act, the following instructions will apply:

(a) Upon receipt of a notice that the guardian has filed a petition alleging unusual services and praying for an allowance in excess of 5 percent of the income during the accounting period, the chief attorney will determine whether the petition should or should not be contested. He will then notify the court, before the date when hearing may be had, of the position of the Veterans Administration on the matter. If no objection is to be raised, the court will probably proceed without a hearing. If objections are to be raised by the Veterans Administration it will be necessary for the chief attorney to be represented at the hearing.

No change in (b).

(48 Stat. 9; 38 U.S.C. 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator.

JULY 25, 1946.

[F. R. Doc. 46-12599; Filed, July 25, 1946; 11:13 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—ANNUAL WATER CHARGES

ANDERSON RANCH RESERVOIR, BOISE IRRIGATION PROJECT, IDAHO

CROSS REFERENCE: For addition to tabulation in § 402.2, see Department of the Interior, Bureau of Reclamation, in notices section.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 558]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of July A. D. 1946.

It appearing, that fruit and vegetable containers and box shooks are now moving in box cars from origins in the States of Washington, Oregon or California, to destinations in the State of California; that refrigerator cars are moving empty from the same points of origin to the same points of destination and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate

action to prevent a shortage of equipment: it is ordered that:

(a) *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers and box shooks in carloads from origins in the States of Washington, Oregon or California to destinations in the State of California; may, at their option, furnish and transport not more than three (3) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables, may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a. m., July 25, 1946.

(d) *Expiration date.* This order shall expire at 11:59 p. m., August 23, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F.R. 8513) of January 30, 1942, as amended (8 F.R. 8513, 14224, 16265; 9 F.R. 7206, 14306; 10 F.R. 6040, 8142, 9720, 12090; 11 F.R. 562, 6983), and all other orders of the Commission insofar as they conflict with the provisions of this order, or as amended, is suspended.

(f) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(g) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46–12602; Filed, July 25, 1946; 11:31 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

[Area Coordinator's General Direction 46 H 11B[1]]

PART 298—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT

Pursuant to Order No. 1956 of the Secretary of the Interior, as amended April 23, 1946, commonly referred to as the "Halibut Order", 50 C. F. R. § 298.4 entitled "Allocation of halibut", and in order to accomplish the purposes thereof, this General Direction No. 46 H 11B is issued.

1. The Area Coordinator has determined that the following persons in British Columbia are participants in and conform to a voluntary program for the allocation of halibut which is in accord with the purposes and policy of the halibut order:

B. C. Packers, Ltd.
Bacon Fisheries
Booth Fisheries Corp.
Whiz Fish Products Co.
Royal Fish Co.
Rupert Fish Co.
San Juan Fishing & Packing Co.

2. In accordance with the halibut order, and particularly paragraph (d) (2) thereof, fishermen subject to the terms of that order may sell or deliver or arrange to sell or deliver halibut in British Columbia to the persons named above.

3. Notice is hereby given that any fisherman from a vessel of American registry who, acting for himself or through an agent, sells or delivers or arranges to sell or deliver halibut to any person in British Columbia other than a person named above, will be guilty of a violation of that order and subject to the penalties provided for violations of that order.

Issued this 18th day of July 1946.

H. W. TERHUNE,
Area Coordinator.

[F. R. Doc. 46–12591; Filed, July 25, 1946; 10:05 a. m.]

[1] Supersedes General Directions No. 46 H 11 issued May 4, 1946 and No. 46 H 11A issued June 8, 1946.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

[Misc. 2022945]

ALASKA

RESTORATION ORDER NO. 1188 UNDER FEDERAL POWER ACT

JULY 15, 1946.

By Executive order of December 9, 1920, creating Power Site Reserve No. 753, and upon application for Power Project No. 420, filed June 21, 1927, the following described land was reserved for power purposes:

TONGASS NATIONAL FOREST

REVILLAGIGEDO ISLAND

A tract of land situated about ½ mile from the Post Office of Ketchikan in lat. 55°20'45" N., long. 131°37'45" W., and identified as U. S. Survey No. 2435 (homesite application of Alexander Cameron, Anchorage 09275).

The area described contains 4.68 acres.

Pursuant to the determination of the Federal Power Commission (DA-37, Alaska) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under applicable public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818), and subject to a reservation to the United States or its licensee of the prior right to use any and all of the lands occupied by the tramway and transmission line right-of-way, being a strip of land 200 feet in width, and more accurately described on map designated "Exhibit K, Sheet 2", and entitled "Map Accompanying Application of The City of Ketchikan, Territory of Alaska, for Amendment of License to Project No. 420", and filed in the office of the Federal Power Commission on June 25, 1942.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 46–12589; Filed, July 25, 1946; 10:05 a. m.]

[Misc. 2045785]

COLORADO

RESTORATION ORDER NO. 1193 UNDER FEDERAL POWER ACT

JULY 15, 1946.

By Executive order of July 2, 1910, creating Power Site Reserve No. 81, the following described land was withdrawn for power purposes:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 72 W., sec. 32, S½SE¼.

The area described contains 80 acres.

Pursuant to the determination of the Federal Power Commission (DA–248, Colorado) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to application, petition, lo-

cation, or selection under the United States mining laws only, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall not become effective to change the status of the land until 10:00 a. m. on September 16, 1946, at which time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the United States mining laws only, as above provided.

This order is subject to Executive Order No. 9701 of March 4, 1946, providing for the reservation of rights to fissionable materials in lands owned by the United States.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 46-12590; Filed, July 25, 1946; 10:05 a. m.]

Bureau of Reclamation.

[No. 35]

ANDERSON RANCH RESERVOIR, BOISE IRRIGATION PROJECT, IDAHO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

JULY 17, 1946.

1. Pursuant to article 22 of the contract between the United States and the Wilder Irrigation District dated August 1, 1941, concerning the construction of Anderson Ranch dam and reservoir and related matters, and to like articles in similar contracts with the contractors listed below, irrigation water will be furnished from Anderson Ranch Reservoir on a rental basis during the irrigation season of 1946 to the following contractors:

New York Irrigation District.
Boise-Kuna Irrigation District.
Nampa & Meridian Irrigation District.
Wilder Irrigation District.
Pioneer Irrigation District.
Settlers Irrigation District.
Farmers Union Ditch Co.
New Dry Creek Ditch Co.
Boise Valley Irrigation Ditch Co.
South Boise Mutual Irrigation Co., Ltd.

2. The repayment contracts between the United States and the contractors listed above provide that water will be sold on a rental basis to the contractors, in amounts proportionate to their contracted space in Anderson Ranch Reservoir, under the conditions which exist at present, i. e., prior to the substantial completion of Anderson Ranch dam and reservoir or prior to its completion to a point where stored water in an amount exceeding 275,000 acre-feet becomes available for irrigation use.

3. Contractors who do not plan to take their proportionate shares of water from Anderson Ranch Reservoir during the 1946 irrigation season should notify the Bureau of Reclamation in writing at the address given below, so that such water may be made available for other contractors who may require more than their proportionate shares.

4. Water rental charges for the 1946 irrigation season shall be $1.20 per acre-foot, payable by each contractor in advance of the release of water from Anderson Branch Reservoir. Requests for water and the payments required by this announcement should be made to the Bureau of Reclamation, P. O. Box 937, Boise, Idaho

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 46-12592; Filed, July 25, 1946; 10:05 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-757]

CITIES SERVICE GAS CO.

ORDER SUSPENDING RATE SCHEDULES

JULY 19, 1946.

It appears to the Commission that:

(a) By order of October 20, 1939, the Commission in Docket No. G-141 instituted an investigation of Cities Service Gas Company to determine with respect to the said company whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications, were unjust, unreasonable, unduly discriminatory or preferential. Thereafter on July 28, 1943, the Commission entered an Interim order reducing the rates of Cities Service Gas Company, which order has not become final by reason of review in the courts.

(b) Cities Service Gas Company on June 19, 1946, filed with the Commission an agreement dated May 15, 1946, entered into with The Gas Service Company, Kansas City Gas Company, and The Wyandotte County Gas Company, affiliates, designated by the Commission as Rate Schedule FPC No. 87; an agreement dated March 15, 1946, between the above said parties, designated by the Commission as Supplement No. 1 to Rate Schedule FPC No. 87; and an agreement dated May 15, 1946, between the above said parties, designated by the Commission as Supplement No. 2 to Rate Schedule FPC No. 87. The aforesaid rate schedule and supplements thereto cancel and supersede the effective rate schedules as supplemented of Cities Service Gas Company, designated by the Commission as Rate Schedules FPC Nos. 7, 8, and 9, relating to service to The Gas Service Company, Kansas City Gas Company, and The Wyandotte County Gas Company.

(c) Rate Scheduled FPC No. 87 and Supplements Nos. 1 and 2, referred to in paragraph (b) above do not change the rates to be charged, but provide that purchasers shall take their entire requirements without exception for a period of twenty-five years and for five-year periods thereafter, subject to cancellation at the end of any of the said periods of time upon ninety days' notice.[1] Further, Supplement No. 1 to Rate Schedule FPC No. 87 provides that the above-mentioned twenty-five-year period, may at the option of the purchaser be reduced to a ten-year period upon failure of Cities Service Gas Company to construct the pipe-line project hereinafter referred to in paragraph (d).

(d) The aforesaid Supplement No. 1 recites that the growing loads of the purchasers will require a major pipe-line project from the Hugoton Field to the Kansas City area, costing about $26,000,000 and that Cities Service Gas Company would hesitate to engage in such a construction program without a twenty-five year firm contractual commitment.[2]

(e) Changes in conditions of service made by said Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 may be unnecessary to the continuation of adequate service, unlawful, inconsistent with the public interest, and place an undue burden upon The Gas Service Company, Kansas City Gas Company, and The Wyandotte Gas Company and upon the ultimate consumers of natural gas.[3]

(f) Unless suspended by order of the Commission the aforesaid Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereof will become effective on July 20, 1946.

The Commission finds:

It is necessary, desirable, and in the public interest that public hearing be held concerning the lawfulness of the proposed conditions of service set forth in the rate schedule and supplements filed by Cities Service Gas Company, referred to in paragraph (b) above, and that said rate schedule and supplements be suspended pending hearing and decision thereon.

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[1] The present effective rate schedules as supplemented of Cities Service Gas Company, FPC Nos. 7, 8, and 9 expire not later than August 1952 and are subject to cancellation if and when the purchasers can obtain gas at a lower price.

[2] Cities Service Gas Company, Docket No. G-729, filed on May 10, 1946, an application for a certificate of public convenience and necessity for authorization to construct a 405-mile, 26-inch pipe line from the Hugoton Field, Kansas, to Kansas City, Missouri, together with associated facilities, estimated to cost approximately $23,000,000. These facilities are represented as the initial phase of a four-year construction program intended by Applicant to meet increased demands.

[3] Mid-Continent Gas Transmission Company, Docket No. G-669, filed an application on January 31, 1946, which was amended June 26, 1946, for a certificate of public convenience and necessity for authority to construct a 400-mile, 26-inch pipe line from Stephens County, Kansas, to Kansas City, Missouri, and a 436-mile, 26-inch pipe line from Kansas City, Missouri, to St. Paul, Minnesota. The initial installation of facilities is estimated to cost approximately $79,000,000 with additional expenditures over the first five years of approximately $11,500,000. Applicant proposes to render service to natural gas distributing companies and industrial consumers in the States of Missouri, Kansas, Iowa, Wisconsin, and Minnesota.

The Commission orders that:

(A) A public hearing be held on a date and at a place to be fixed by further order of the Commission respecting the matters involved and the issues presented thereby concerning the lawfulness of the proposed conditions of service set forth in Rate Schedule FPC No. 87 and Supplements Nos 1 and 2 of Cities Service Gas Company referred to in paragraph (b) above.

(B) Pending such hearing and decision thereon, Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2, filed by Cities Service Gas Company, referred to in paragraph (b) above, in so far as such Rate Schedule and Supplements provide for the sale of natural gas other than for resale for industrial use only be and they hereby are suspended until December 20, 1946, and until such time thereafter as said Rate Schedule and Supplements shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of suspension Cities Service Gas Company Rate Schedules FPC Nos. 7, 8, and 9, as supplemented, shall remain in full force and effect, except as may be modified by the Commission's order referred to in paragraph (a) above.

(D) Interested State Commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12595; Filed, July 25, 1946; 10:06 a. m.]

[Docket No. G-699]

MID-CONTINENT GAS TRANSMISSION CO.

NOTICE OF AMENDED APPLICATION

JULY 23, 1946.

Notice is hereby given that on June 26, 1946, an amended application was filed with the Federal Power Commission by Mid-Continent Gas Transmission Company, a Delaware corporation having its principal place of business at 900 Market Street, Wilmington, Delaware, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain facilities hereinafter described.

The proposed project, as amended, will consist of two sections:

(1) Two 26-inch O. D. main gas transmission pipe lines, laid on common right-of-way, approximately 400 miles in length extending from the initial main line compressor station to be located near Liberal, Stevens County, Kansas, to a point near Kansas City, Missouri;

(2) One 26-inch O. D. main gas transmission pipe line approximately 436 miles in length extending from Kansas City, Missouri to a point near St. Paul, Minnesota.

As part of the project, three main line compressor stations are to be installed initially. One compressor station, to be located near Liberal, Stevens County, Kansas, will have 34,500 horsepower initial installed capacity to be increased to 45,000 horsepower by the fifth year. An intermediate compressor station, to be located near Hutchinson, Kansas, will have 4,500 horsepower initial installed capacity to be increased to 10,500 horsepower by the fifth year. The third compressor station to be located near Kansas City, Missouri, will have initial installed capacity of 7,500 horsepower, to be increased to 10,500 horsepower by the fifth year. The installation of three additional intermediate compressor stations during the first five years of operation is contemplated; they are to be located at Ford, Kansas, Council Grove, Kansas, and Chariton, Iowa, with initial installed capacities of 4,500 horsepower for the Ford and Council Grove stations, and 9,000 horsepower for the Chariton Station.

It is estimated that the initial delivery capacity at the Liberal and Kansas City Stations will be approximately 379,000 MCF and 220,000 MCF respectively, to increase by the fifth year to 547,500 MCF and 328,000 MCF respectively.

The mining and industrial cooperative associations' St. Paul station will have a first year delivery capacity of 53,640 MCF, increasing to 78,130 MCF by the fifth year. The cooperatives' contemplated line from St. Paul will carry the gas to the northern Minnesota and Wisconsin area.

The amended application states that Peerless Oil and Gas Company is prepared to dedicate in excess of 114,000 acres of gas reserves, located in Stevens and Seward Counties, Kansas, and Texas County, Oklahoma, estimated at not less than one trillion cubic feet. Negotiations are being carried on for additional gas purchase contracts with holders of gas acreage in both the Oklahoma and Kansas Portions of Hugoton Field. It is stated that sufficient gas reserves to supply the present and future demands of consumers within the area proposed to be served by Applicant, remains undeveloped or developed without market outlets in the Hugoton Field and are available to companies from which Applicant proposes to purchase its supply of gas.

The total over-all capital cost of the proposed project, as amended, is estimated by the Applicant to be, for initial construction, $78,853,500, which includes $1,070,000 for working capital. Construction of additional facilities during the first five years of operation will require an additional expenditure of $11,466,500. This total over-all cost is allocted between the two sections of the proposed project as follows:

(1) Liberal, Kansas to Kansas City, Missouri Section, $45,356,000, with additional expenditure over the first five years of $8,364,000;

(2) Kansas City, Missouri to St. Paul, Minnesota Section, $33,497,500, with additional expenditures over the first five years of $3,102,500.

No firm commitment as to financing has been made. However, Applicant has been advised by Otis & Company, Cleveland, Ohio, that such company is willing to undertake the proposed financing contingent upon execution of satisfactory contracts for purchase and sale of gas and a satisfactory engineer's report.

The Applicant proposes to render service to natural gas customers in the states of Missouri, Kansas, Iowa, Wisconsin and Minnesota. It is contemplated that gas will be sold to distributors for service in 14 communities in Missouri including Kansas City and environs; in Kansas City, Kansas and environs; 47 communities in Iowa, including Dubuque and Waterloo; 10 communities in Wisconsin, including Eau Claire and LaCrosse; 10 communities in Minnesota, including St. Paul and environs; and such other customers as may be properly served.

Furthermore, Applicant proposes to sell and deliver natural gas to an industrial and mining consumers' cooperative association, at Applicant's proposed pipe line terminal at St. Paul, Minnesota. This cooperative association is to be formed by a group of mine ore operating companies and other industrial companies for the purchase and transportation of gas for processing of iron ore and for other industrial purposes in 16 communities, including Duluth, in Northern Minnesota, and the City of Superior in Wisconsin.

Proposed rates per MCF of gas delivered at the Kansas City, Kansas and Kansas City, Missouri area are 13¢ for firm gas for domestic and commercial users, 8¢ for industrial non-interruptible, and 4¢ for industrial interruptible, plus the price paid by Applicant for gas it purchases, which is estimated to be 8¢ per MCF. Rates proposed for gas delivered north of the Kansas City Compressor Station area are 22¢ for firm gas for domestic and commercial users, 14¢ for industrial non-interruptible, and 6¢ for industrial interruptible, plus the price paid by Applicant for gas it purchases. Such rates are for gas containing 1,000 B. t. u.'s per cubic foot and are to be automatically adjusted according to the actual heating value of the gas delivered.

Applicant submits that since transportation costs constitute a relatively large proportion of the delivered price of natural gas, public and consumers' interests require that such costs be kept at their economic minimum; that the minimum price for gas which Applicant intends to pay, and which is substantially above the average price as currently paid by other pipe line companies withdrawing gas from Hugoton Field, will serve the best interests of the public by enabling the land and royalty owners and producers to receive a fair and equitable price for gas in the Hugoton Field; that the public interest is best served by transmission pipe line companies purchasing gas under full competitive conditions; that in the Greater Kansas City area the sale of natural gas for space heating for home and commercial purposes has not been developed to the fullest extent consistent with the greatest public interest and convenience and that the rates as proposed by Applicant will permit the full development of such sales as a great public convenience; that natural gas is required in the State of Minnesota to assure the future economic welfare of that State and the continued

production of marketable iron ore from the iron range of northern Minnesota, thereby relieving the dependence upon importation of iron ores from South America, Canada, Newfoundland, or other foreign countries.

Applicant also submits that the interest of the public will best be served if its application is approved, and if certificates of public convenience and necessity are denied the Cities Service Gas Company for the construction of additional facilities to provide additional quantities of natural gas to consumers in the Kansas City area (Docket Nos. G-649[1] and G-729[2]).

Any interested State commission is requested to notify the Federal Power Commission whether the amended application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the amended application of Mid-Continent Gas Transmission Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of this publication, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12604; Filed, July 25, 1946; 11:54 a. m.]

[Docket No. G-743]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JULY 24, 1946.

Upon consideration of the application filed on June 27, 1946, by Panhandle Eastern Pipe Line Company (Applicant), for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

An interconnection of its pipeline system with the Central Illinois Light Company at a point approximately midway between Yates City and Elmwood, Illinois, where the Applicant's eight-inch Galesburg lateral crosses Central Illinois Light Company's four-inch line, and a metering and regulating station.

The Commission orders that:

(A) A public hearing be held commencing on August 5, 1946, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: *Provided, however,* That if no protest or petition to intervene has been filed or allowed prior to the date hereinbefore fixed for hearing, or if a protest or a petition to intervene, in the judgment of the Commission, raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12605; Filed, July 25, 1946; 11:54 a. m.]

[Docket No. IT-6002]

CALIFORNIA-PACIFIC UTILITIES CO.

NOTICE OF APPLICATION

JULY 24, 1946.

Notice is hereby given that on July 22, 1946 an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by California-Pacific Utilities Company, (hereinafter called "Cal-Pac"), a corporation organized under the laws of the State of California and doing business in the States of California, Oregon, Washington, Nevada, Idaho, Wyoming and Arizona with its principal business office at San Francisco, California, seeking an order authorizing the sale to Union County Peoples' Utility District (hereinafter called "District"), and Union County Electric Cooperative, Inc. (hereinafter called "Cooperative"), of the electric system and properties recently acquired by Cal-Pac from Eastern Oregon Light and Power Company, located in Union County, Oregon, excepting the following transmission and lateral lines in Union County, Oregon:

(i) 66 KV transmission line from the La Grande Substation to the Union-Baker County Line;

(ii) 22 KV lateral extending from the main 22 KV line in the City of North Powder southeast to the Union-Baker County line; and

(iii) 2.3 KV lateral four miles southwest of the City of North Powder, running south across the Union-Baker County line and presently used to serve three customers in Baker County,

or, in the alternative, an order disclaiming jurisdiction over the sale of said facilities. Under the agreement between the parties, the District is to acquire the properties in the City of La Grande, together with certain additional properties outside of said city and the Cooperative is to take the remaining properties, located in Union County, Oregon. The aggregate base purchase price for the property, the application states, is $1,256,732.84, subject to certain adjustments; $7,560,732.84 of said base purchase price is to be paid by the District and the remainder, ($500,000), is to be paid by the Cooperative, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 9th day of August, 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12606; Filed, July 25, 1946; 11:54 a. m.]

[Docket No. G-749]

TRENTON ROCK OIL AND GAS CORP.

NOTICE OF APPLICATION

JULY 23, 1946.

Notice is hereby given that on July 8, 1946, an application was filed with the Federal Power Commission by Trenton Rock Oil and Gas Corporation (hereinafter referred to as "Applicant" or "Trenton"), an Indiana corporation with its principal offices at Marion, Indiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate a certain natural gas transmission pipe line, field lines, and a regulating and metering station, as hereinafter more particularly described, for the transmission and sale of natural gas from a gas field in Jay County, Indiana, to the Coldwater Fuel Company, for resale in the Village of Fort Recovery, Ohio, and its immediate environs, and further, to authorize the Applicant to construct in the future such additional field lines in said natural gas field as is necessary to supply the future demands of natural gas of the Coldwater Fuel Company, as hereinafter more particularly described.

Applicant seeks authorization to construct and operate the following facilities:

(a) A 4-inch natural gas transmission pipe line approximately 8,800 feet in length extending in an easterly direction from the so-called Jacob Zimmerman gas well, located in eastern Jay County, Indiana, across the Indiana-Ohio state boundary line to a point near the western corporate limits of Fort Recovery, Mercer County, Ohio;

(b) Field lines of 2-inch diameter totalling approximately 10,000 feet in length to be located in a natural gas field situated in Jay County, Indiana;

(c) A regulating and metering station located at the west corporate limits of the Village of Fort Recovery, Ohio;

(d) Meters and regulators on the gas wells to be installed by Applicant.

Applicant, as stated in its application, is a newly formed corporation, organized for the purpose of acquiring certain gas production in the new natural gas field located in Jay County, Indiana, and transporting said natural gas across the Indiana-Ohio state boundary line for sale to the Coldwater Fuel Company,

[1] 11 F.R. 1750.
[2] 11 F.R. 5958.

which is engaged as a public utility in Ohio and furnishes the Village of Fort Recovery, Ohio, and its immediate environs with natural gas.

Applicant states that the natural gas presently supplied to the Coldwater Fuel Company for distribution to the Village of Fort Recovery, Ohio, is produced in a natural gas field located approximately eight miles south of said village in Darke County, Ohio, commonly known as the old Huffman Field, but that the gas reserves in said field have become so depleted that the supply therefrom cannot now be depended upon to meet the requirements of consumers in said village.

It is further stated that Applicant is the owner of contracts for the purchase of gas in the Jay County, Indiana, gas field and that present estimates of gas reserves in said field are adequate to supply the Village of Fort Recovery, Ohio, for at least twenty years; and that since the gas reserves in the old Huffman Field are practically exhausted, there is no other available supply of natural gas for the inhabitants of Fort Recovery, Ohio, other than the Jay County, Indiana, gas field.

Applicant states that the estimated minimum day demand of Fort Recovery, based on present usage, is approximately 15 Mcf per day, and the maximum day demand will not exceed 75 Mcf per day, and that the capacity of the 4-inch gas transmission pipe line described in paragraph (a) will be 125 Mcf per hour.

Applicant estimates that the overall total cost of construction of the facilities described in paragraph 2 will be $13,060.

Applicant proposes to finance the total construction with funds to be provided by the 3 shareholders, original incorporators of Applicant, without the sale of any securities to the public.

It is stated that the aforementioned gas contracts provide for payment of 18 cents per Mcf at the well head, and that the Coldwater Fuel Company has agreed to enter into a contract to buy gas from Applicant at 30 cents per Mcf at Fort Recovery, Ohio.

Applicant also seeks authorization to construct in the future, if the demand for natural gas by the Coldwater Fuel Company to adequately supply natural gas to the inhabitants of Fort Recovery increases and so requires, the following facilities:

(1) Field lines from the 4-inch natural gas transmission pipe line described in paragraph (a) extending southerly to the Alexander gas well No. 1 and the Kunkle gas well, and to future wells that may be drilled in Sections 34 and 35, Jay County, Indiana.

(2) An extension of the said 4-inch natural gas transmission pipe line if warranted by future development of the Jay County gas field.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Trenton Rock Oil and Gas Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of this publication, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12607; Filed, July 25, 1946; 11:54 a. m.]

[Docket No. G-750]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 23, 1946.

Notice is hereby given that on July 8, 1946, Northern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in the Aquila Court Building, Omaha, Nebraska, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain facilities hereinafter described for the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption.

The proposed facilities are to be constructed and operated in connection with its main natural gas transmission pipe line system extending from Texas and into and across Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota. The proposed facilities are described as follows:

Sublette, Kansas, compressor station: One (1) 1,000 HP double-acting, twin-tandem Cooper Bessemer gas engine, direct connected to double-acting compressors, together with other appurtenances and equipment.

Clifton, Kansas, compressor station: One (1) 1,000 HP double-acting, twin-tandem Cooper Bessemer gas engine, direct connected to double-acting compressors, together with other appurtenances and equipment.

Oakland, Iowa, compressor station: One (1) 900 HP double-acting, twin-tandem Worthington gas engine, direct connected to double-acting compressors, together with other appurtenances and equipment.

Ogden, Iowa, compressor station: One (1) 800 HP double-acting, twin-tandem Cooper Bessemer gas engine, direct connected to double-acting compressors, together with other appurtenances and equipment.

Hooper, Nebraska, compressor station: One (1) 800 HP double-acting, twin-tandem Cooper Bessemer gas engine, direct connected to double-acting compressors, together with other appurtenances and equipment.

South Sioux City, Nebraska, compressor station: One (1) 800 HP double-acting, twin-tandem Cooper Bessemer gas engine, direct connected to double-acting compressors with other appurtenances and equipment.

The application states that the construction of the proposed facilities is to be coordinated with increases in operating pressures at several of Applicant's compressor stations, which increases are considered essential to enable the Applicant to meet the estimated maximum delivery requirements for its 1946-47 heating season.

Applicant further states that the margin of delivery capacity for the protection of the delivery of the firm gas requirements of Applicant's customers for the 1946-47 heating season provided by the facilities which were certificated by the Commission in Docket No. G-667 was, as shown in the hearing upon the application in said docket, considered by Applicant to be inadequate in the light of the increases in firm gas requirements which became apparent after the filing of the application in said docket. The Applicant's main line facilities certificated under Docket No. G-667 brought its system capacity to 300 million cubic feet of gas per day north of Clifton, Kansas, and provided only 18 million cubic feet capacity in excess of estimated firm gas requirements and only 9 million cubic feet of excess capacity based on the revised estimate of firm gas requirements of Minneapolis Gas Light Company, as shown by the evidence of said company at the hearing of that docket. On the basis of either estimate of firm gas requirements, the excess capacity above the firm maximum day requirements was and is entirely inadequate for the protection of firm gas users for the 1946-47 heating season, in Applicant's judgment. Applicant states that it therefore proposes and requests this authorization in order to increase its system capacity substantially above that applied for in Docket No. G-667.

Applicant further states and estimates that the combined effect of the proposed facilities will, as soon as the proposed facilities and other previously certificated facilities have been completed and are in operation, result in increasing Applicant's pipeline capacity north of Clifton, Kansas, from 300 million cubic feet per day to 325 million cubic feet per day and will increase its capacity into the Twin Cities area from 82 million cubic feet per day to 89.5 million cubic feet per day.

Applicant states that its gas reserves as of December 31, 1945, were estimated to approximate 2.9 trillion cubic feet on a measurement basis of 16.4 lbs. absolute pressure per square inch; that the total requirements of gas for the year ended on said date approximated 81 billion cubic feet on the stated measurement basis; that at such rate of consumption the indicated life of the Applicant's gas reserves will be approximately 35 years.

Applicant estimates that the total over-all capital cost of the proposed construction will be $723,000.

The application states that no change in Applicant's FPC gas schedules on file with the Commission is contemplated in connection with the operation of the facilities proposed in this application.

Any interested State Commisison is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, as amended, and, if so,

to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of the Northern Natural Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of this publication, a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12608; Filed, July 25, 1946; 11:55 a. m.]

[Docket No. G-746]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 23, 1946.

Notice is hereby given that on July 3, 1946, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove a portion of its facilities subject to the jurisdiction of the Commission.

The facilities proposed to be abandoned and removed by the Applicant are stated to consist of certain natural gas transmission pipe lines or loop lines which for the reasons set forth hereinafter are said to be no longer used or useful in the operation of its natural gas transmission pipe line system, said lines so proposed to be removed being situated in the States of Alabama, Louisiana and Texas and consisting of the following:

(A) *Line situated in Alabama.* Pensacola Lateral Pipe Line, consisting of approximately 40,242 feet of 12-inch pipe, paralleling Applicant's Mobile-Pensacola Line in Baldwin and Mobile Counties, Alabama. Said Pensacola Lateral Line, according to the application, runs through swampy terrain, not readily accessible, presenting hazardous operational difficulties, and has not been used since Applicant recently constructed a 14-inch line located in a more favorable situated area.

(B) *Line situated in Louisiana.* Rodessa Main Line #1, consisting of approximately 25,880 feet of 10-inch pipe, 63,213 feet of 12-inch pipe, and 16,783 feet of 14-inch pipe, paralleling Applicant's 18-inch natural gas transmission pipe line extending from Applicant's Myrtis Gasoline Plant in Rodessa Field, to a point of interconnection with Applicant's Sarepta-Latex main transmission pipe line, all in Caddo Parish, Louisiana. Applicant states that said Main Line #1 is no longer required in transporting natural gas from said Rodessa Field to Applicant's said Sarepta-Latex Line, and Applicant will have ample capacity in its said 18-inch Myrtis to Sarepta-Latex Line to carry all of the gas which will be available to Applicant from said Rodessa Field.

(C) *Lines situated in Texas.* (1) The following lines situated in Waskom-Marshall area, Harrison County, Texas:

(a) Waskom-Longview 6-inch pipe line, consisting of approximately 19,786 feet of 6-inch pipe, extending from a point near Applicant's Waskom Compressor Station in a westerly direction and paralleling Applicant's Waskom-Marshall 10-inch line for a distance of approximately 19,786 feet. Applicant states that said Waskom-Longview 6-inch line is no longer used or useful in transporting gas from the Waskom area due to the fact that Applicant's requirements for delivery of gas from the Waskom area have declined since other sources of supply have been connected to Applicant's system in the Longview area.

(b) Part of the Hallsville Tap Line, consisting of approximately 4,358 feet of 3-inch pipe. According to Applicant that part of said Hallsville Tap Line which Applicant proposes to remove is no longer required due to the fact that Applicant will rearrange its facilities so as to enable it to deliver the requirements of natural gas for the Town of Hallsville from Applicant's Latex-Fort Worth main gas transmission pipe line.

(2) The following lines situated in the Longview-Tyler-Henderson area:

(a) Joiner Field Loop Pipe Line, consisting of approximately 23,930 feet of 6-inch pipe, extending in a southeasterly direction from Applicant's Longview-Palestine Line, paralleling Applicant's Henderson Tap Line for a distance of approximately 23,930 feet in Rusk County, Texas. Applicant alleges that said Joiner Field Loop Line is no longer required in transporting natural gas to the town of Henderson, Texas, due to new sources of supply having been connected to Applicant's system near the town of Henderson and also due to the fact that the demand for gas in this area has declined due to less gas being required in the East Texas oil field.

(b) Gladewater Oil Field Pipe Line between Kilgore and Gladewater, Texas, situated in Gregg County, Texas, consisting of approximately 10,904 feet of 4-inch pipe, and 43,804 feet of 6-inch pipe, extending in a northerly direction from a point on Applicant's Longview-Tyler pipe line near Kilgore, Texas, to a point near Gladewater, Texas, known as Applicant's Gladewater No. 2 meter and regulator station. Applicant states that the Gladewater Oil Field Line is no longer used or useful for the purpose for which it was constructed due to new sources of supply having been connected to Applicant's system in the Longview area and that there are no customers presently being served by means of said facilities.

(3) The following lines situated in the Fort Worth area, Tarrant County, Texas:

(a) Fort Worth-Trinity Cement Plant Line, consisting of approximately 24,604 feet of 10-inch pipe line, extending from a point on Applicant's Latex-Fort Worth main pipe line to the Trinity Cement Plant near Fort Worth, Texas.

(b) Magnolia Tap Line, consisting of approximately 1,520 feet of 4-inch pipe extending from a point on said Fort Worth-Trinity Cement Plant Line to a point near the site of a refinery formerly operated by Magnolia Petroleum Company which it is said discontinued operations some time ago. Applicant states that said Fort Worth-Trinity Cement Plant Line and Magnolia Tap Line are stated to be no longer used or useful, as there are no customers served off of either of said lines, and there are no prospective customers requiring service therefrom.

(4) Texas Company Bunker Hill Station Tap Line, consisting of approximately 12,735 feet of 2⅞-inch O. D. pipe, extending from Mile post No. 24 on Applicant's Latex-Beaumont Main Line to the Bunker Hill Pump Station of The Texas Company, in Jasper County, Texas. Applicant states that said line is no longer used or useful as there are no customers served off said line, and there are no prospective customers requiring service from said line.

The application states that the removal of the described facilities will not result in the abandonment, in whole or in part, of any service heretofore rendered thereby; that the facilities thereafter remaining will be more than ample to adequately provide capacity to meet requirements of Applicant's customers; that with the exception of said Hallsville Tap Line, no customers are being served through the facilities which Applicant desires and proposes to remove, and there are no prospective customers for said service, and if there were they could, if entitled to service, be adequately served from the remaining pipe line facilities of Applicant. That the service formerly rendered by Applicant by said pipe line proposed to be removed herein will not be affected or impaired by said removal of facilities and that the present or future public convenience or necessity permits such abandonment. Applicant further shows that if it is permitted to remove the material in said lines consisting of line pipe and miscellaneous materials and appurtenant equipment used in connection therewith, it will be able to salvage and use the same elsewhere in other parts of its natural gas system.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, as amended, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of the United Gas Pipe Line Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of this publication, a petition or protest in accordance with the Commission's pro-

visional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-12609; Filed, July 25, 1946; 11:55 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region I Order G-13 Under RMPR 122, Revocation]

SOLID FUELS IN LYNN-SALEM, MASS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That Region I Order No. G-13 under Revised Maximum Price Regulation No. 122 (Specified Solid Fuels—Lynn-Salem, Massachusetts, Area) be, and it hereby is, revoked.

This order shall become effective July 1, 1946.

Issued this 20th day of June 1946.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 46-12489; Filed, July 23, 1946; 2:32 p. m.]

[Region I Rev. Order G-70 Under RMPR 122, Amdt. 4]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, subparagraph (23) containing Appendix 23 (Specified Solid Fuels—Lynn-Salem, Massachusetts) is hereby added to paragraph (o) of Region I Revised Order No. G-70 under Revised Maximum Price Regulation No. 122, to read as follows:

(23) *Appendix 23, Specified solid fuels, Lynn-Salem, Massachusetts, area*—(a) *Maximum prices established by this Appendix 23.* This Appendix 23 establishes specific maximum prices for sales of Pennsylvania anthracite, certain designated cokes, ambricoal and cannel coal in the Lynn-Salem, Massachusetts, Area by dealers, and for specified services rendered by dealers in connection with the sale and handling of said solid fuels.

As to "Specified Solid Fuels": Price Schedule I is for sales on a delivered basis; Price Schedule II is for yard sales to consumers; Price Schedule III is for yard sales to dealers; Price Schedule IV is for sales of anthracite in 25-lb. paper bags.

As to local cokes: Price Schedule V is for sales on a delivered basis; Price Schedule VI is for yard sales to dealers and to consumers; Price Schedule VII is for sales in one-half bushel baskets.

As to "Specified Cokes": Price Schedule VII is for sales in one-half bushel paper bags and in one-bushel baskets.

The Lynn-Salem, Massachusetts, area includes the following cities and towns in the Commonwealth of Massachusetts:

Beverly	Middleton
Danvers	Nahant
Essex	Peabody
Hamilton	Rowley
Ipswich	Salem
Lynn	Saugus
Lynnfield	Swampscott
Manchester	Topsfield
Marblehead	Wenham

(b) *Price Schedule I; Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Lynn-Salem, Massachusetts, area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Group I anthracite:				
Broken, egg, stove and chestnut	$17.60	$9.55	$5.20	$1.10
Pea	15.65	8.60	4.70	1.00
Buckwheat	13.60	7.55	4.20	.85
Rice	12.50	7.00	3.90	.80
Yard screenings	6.85	------	------	------
Jeddo Highland:				
Egg, stove and chestnut	18.10	9.80	5.25	1.10
Franklin Lykens:				
Egg	18.60	10.05	5.45	1.15
Stove	18.85	10.20	5.50	1.15
Chestnut	18.55	10.05	5.40	1.10
Ambricoal	15.25	8.40	4.60	.90
Cannel coal	24.10	12.80	6.75	1.40

(2) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel or of the invoice (or similar document required to be given therefor), whichever occurs later, the maximum prices set forth above shall be reduced by 50 cents per ton, or by 25 cents per half ton, or by 15 cents per quarter ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a quarter ton. If payment is not required or made at the time of delivery or invoice or (except in the case of less than quarter-ton lots) within 10 days thereafter, terms shall be net thirty days.

(3) *Maximum authorized service and deposit charges.* (a) If the buyer requests such service of him, the dealer may make the following charges for carry or wheel service:

	Per net ton	½ ton	¼ ton
For any carry or wheeling from a "direct delivery" point to consumer's bin or storage space (exclusive of charges for carries up or down flights of stairs), for each 50 feet or fraction thereof	$0.50	$0.25	$0.15
For any carry up or down flights of stairs, per flight	.50	.25	.15

(b) The maximum prices per 100 pounds include carrying or wheeling in bags from dealer's truck to point of storage except when the fuel must be carried up or down flights of stairs. For any carry either up or down flights of stairs, the maximum charge shall be 10 cents per flight.

(c) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on or as predetermined liquidated damages for failure to return the bags shall be 25 cents per bag.

(c) *Yard sales*—(1) *Price Schedule II; Yard sales to consumers.* Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the "yard" of any dealer in the Lynn-Salem Anthracite Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Group I anthracite:				
Broken, egg, stove and chestnut	$16.10	$8.40	$4.20	$0.90
Pea	14.15	7.45	3.70	.80
Buckwheat	12.10	6.30	3.15	.65
Rice	11.00	5.75	2.90	.60
Yard screenings	5.35	------	------	------
Jeddo Highland:				
Egg, stove and chestnut	16.60	8.65	4.30	.90
Franklin Lykens:				
Egg	17.10	8.90	4.45	.90
Stove	17.35	9.05	4.50	.90
Chestnut	17.05	8.90	4.45	.90
Ambricoal	13.75	7.15	3.60	.90
Cannel coal	22.60	11.55	5.80	1.15

(2) *Price Schedule III; Yard sales to dealers.* Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Lynn-Salem, Massachusetts, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Group I anthracite:				
Broken, egg, stove, and chestnut	$16.60	$8.35	$4.20	$0.90
Pea	14.05	7.40	3.70	.80
Buckwheat	12.00	6.25	3.15	.65
Rice	10.90	5.70	2.90	.60
Yard screenings	5.25	------	------	------
Jeddo Highland:				
Egg, stove and chestnut	16.50	8.60	4.30	.90
Franklin Lykens:				
Egg	17.00	8.85	4.45	.90
Stove	17.25	9.00	4.50	.90
Chestnut	16.95	8.85	4.45	.90
Ambricoal	13.65	7.10	3.60	.70
Cannel Coal	22.50	11.50	5.75	1.15

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(4) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons.

	Cents
Per ton	50
Per half ton	25
Per quarter ton	15

(b) The maximum amount which may be required by the dealer as a deposit on or as predetermined liquidated damages for failure to return burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Higher priced anthracites (i. e., other than Group I Anthracite)*—(1) *Per-net-ton prices.* To the per-net-ton prices for Group I coals, in each of the Price Schedules set forth above, increases may be added for the coals specified below, as follows:

Size	Addition (cents per ton)
Group II coals:	
Broken, egg, stove, chestnut and pea	$0.50
Buckwheat	.45
Greenwood: Egg, stove, nut and pea	.20
Delano:	
Broken, egg, stove, chestnut and pea	.60
Buckwheat	.55
Rice	.30
Barley	None
Liggetts Creek:	
Broken, egg, stove, chestnut and pea	.75
Buckwheat	.80
Rice	.55
Barley	.30
Orange disk:	
Broken, egg, stove, chestnut and pea	.55
Buckwheat	.60
Rice	.55
Barley	.30

(2) *Fractional-ton prices.* Under Price Schedule I, the half-ton price is one half of the per-net-ton price plus 75 cents. The quarter-ton price is one-half of the half-ton price plus 40 cents.

Under Price Schedules II and III, the half-ton price is one half of the per-net-ton price plus 25 cents. The quarter-ton price is one half of the half-ton price.

(3) *100-pound prices.* For Group II, Orange Disc and Delano, add 3 cents to Group I 100-pound price.

For Liggetts Creek, add 5 cents to Group I 100-pound price.

(e) *Price Schedule IV, 25-pound bags of Pennsylvania anthracite.* (1) Price Schedule IV sets forth maximum prices (in cents per bag) for sales of Pennsylvania Anthracite in 25-pound paper bags at all levels of distribution in the Lynn-Salem, Massachusetts, area.

(a) Unmixed coal.

	Chestnut	Stove	Pea
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard	$0.22	$0.22	$0.19½
Sales to ultimate consumers at dealer's yard	.24	.24	.21½
Sales to dealers (including retail stores), f. o. b. buyer's trucks at a dealer's auxiliary station	.23½	.23½	.21
Sales to ultimate consumers at a dealer's auxiliary station	.26	.26	.23½
Delivered to retail stores	.24½	.24½	.22
Sales to ultimate consumers from dealer's truck, delivered	.28	.28	.25½
Sales at retail stores:			
Chain stores	.28	.28	.25½
Independent outlet	.29	.29	.26½

(b) Mixtures (50% of each by weight).

	Chestnut and stove	Chestnut and pea	Stove and pea
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard	$0.22	$0.20½	$0.20½
Sales to ultimate consumers at dealer's yard	.24	.22½	.22½
Sales to dealers (including retail stores), f. o. b. buyer's trucks at a dealer's auxiliary station	.23½	.22	.22
Sales to ultimate consumers at a dealer's auxiliary station	.26	.24½	.24½
Delivered to retail stores	.24½	.23	.23
Sales to ultimate consumers from dealer's truck, delivered	.28	.26½	.26½
Sales at retail stores:			
Chain stores	.28	.26½	.26½
Independent outlet	.29	.27½	.27½

NOTE: The prices set forth above in Price Schedule IV of this paragraph (e) shall apply to bagged anthracite consisting of Group I anthracite. If any Group I anthracite is mixed with Group II anthracite, the resulting mixture shall be sold at not more than the prices set forth above for bagged Group I anthracite.

One cent per bag may be added to the above prices for sales of bagged anthracite consisting wholly of Group II anthracite. Group II anthracite consists of anthracite of all other producers not within Group I.

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(f) *Maximum prices for coke*—(1) *Explanation of kinds of coke for which specific prices are established.* (a) The maximum prices established by subparagraphs (f) (2), (f) (3) and (f) (4) shall apply only to coke produced by the following producers:

(i) New England Coke Company, or its affiliated producing company, at its plant located in Everett, Massachusetts;

(ii) Malden and Melrose Gas Light Company, Malden, Massachusetts;

(iii) Lynn Gas and Electric Company, Lynn, Massachusetts.

(b) The maximum prices established by subparagraph (f) (5) shall apply only to "Specified Cokes," meaning the following:

(i) Beehive oven coke, which means all coke made in beehive ovens, including beehive oven coke reclaimed from dumps;

(ii) By-product coke (coke made in by-product ovens) produced in plants located in states other than New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut;

(iii) Retort gas coke (coke made in gas retorts) produced in plants located in states other than New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

(c) All other coke shall be priced under the appropriate provisions of Revised Maximum Price Regulation No. 122, unless and until specific prices are established by amendment of this Appendix 23.

(2) *Price Schedule V.* Maximum prices for sales of New England Coke, Malden and Melrose Gas Coke, and Lynn Gas Coke delivered into consumer's bins at any point in the Lynn-Salem Area.

Size	Per ton		Per ½ ton		Per ¼ ton	
	C. o. d.	Charges	C. o. d.	Charges	C. o. d.	Charges
Chestnut, egg, stove and furnace	$15.25	$15.75	$8.40	$8.65	$4.40	$4.55
Pea	13.05	13.55	7.30	7.55	3.85	4.00
Breeze	7.50	7.50	------	------	------	------

Terms of sale for charge sales shall be net 30 days.

(3) *Price Schedule VI.* Maximum prices for "yard sales" of the above-described coke at the yard of any dealer in the Lynn-Salem Area.

(a) Maximum prices for "yard sales" to dealers in fuel who resell it:

Size:	Price per net ton
Chestnut, egg, stove and furnace	$13.55
Pea	11.85

Less $1 per net ton if payment is made by the buyer within 10 days after receipt of the fuel; net 30 days.

(b) The maximum price for "yard sales" of the above-described coke of Nut, Egg, Stove and Furnace sizes to consumer shall be $14.75. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(4) *Price Schedule VII, bagged coke and coke in one-bushel baskets.* (a) Prices (in cents per bag) for Coke in one-half bushel paper bags:

	Chestnut coke	Pea coke
Sales to dealers (including retail stores) f. o. b. buyer's trucks at dealer's yard	$0.18	$0.16
Sales to ultimate consumers at dealer's yard	.20	.18
Delivered to retail stores	.20½	.18½
Sales to ultimate consumers from dealer's truck, delivered	.23	.21
Sales at retail stores:		
Chain stores	.24	.22
Independent outlet	.25	.23

(b) (i) Prices for one-bushel baskets of bulk coke, delivered to consumer's bin or storage facilities, and including any carry that may be necessary except carries up or down flights of stairs:

	Per bushel
Chestnut coke	$0.40
Pea coke	.36

(ii) The maximum charge for any carry up or down flights of stairs shall be 5 cents per bushel per flight.

(c) Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(5) *Price Schedule VIII; Maximum prices for sales of "specified cokes" bagged and in one-bushel baskets.* (a) Prices (in cents per bag) for coke in one-half bushel paper bags:

	Chestnut coke	Pea coke
Sales to dealers (including retail stores) f. o. b. buyer's trucks at dealer's yard	$0.19	$0.17
Sales to ultimate consumers at dealer's yard	.21	.19
Delivered to retail stores	.21½	.19½
Sales to ultimate consumers from dealer's truck, delivered	.24	.22
Sales at retail stores:		
Chain stores	.25	.23
Independent outlet	.26	.24

(b) (i) Prices for one-bushel baskets of bulk Beehive Reclaimed Coke delivered to consumer's bin or storage facilities, and including any carry that may be necessary except carries up or down flights of stairs:

	Per bushel
Chestnut coke	$0.42
Pea coke	.38

(ii) The maximum charge for any carry up or down flights of stairs shall be 5 cents per bushel per flight.

(c) Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(g) *Provisions applicable to anthracite and coke sold in paper bags or baskets*—(1) *Fractions of a cent.* Whenever a price established by paragraph (e) or paragraph (f) ends in one-half cent, the fraction shall be treated as follows:

(a) In the case of sales to dealers and stores, f. o. b. buyer's trucks, at bagger's yard, and sales delivered to retail stores, the total amount charged shall be adjusted to the next lower cent if an odd number of units is sold.

(b) In all other sales, including the sale of a single unit, the total amount charged may be adjusted to the next higher cent if an odd number of units is sold; *Provided, however,* That the seller shall allow the purchaser to buy an even number of units to the extent that the available supply is adequate.

(2) *Mixtures.* Mixtures other than those listed in Price Schedule IV (paragraph (e) (1) (b)) shall not be sold in the Lynn-Salem, Massachusetts, area by any seller until he has secured an approved maximum price from the Regional Administrator.

(3) *State statutes and regulations.* Nothing contained in this appendix shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts concerning the sale of coal or other solid fuels in paper bags or baskets. All bags shall be clearly labeled with information as to the contents thereof in accordance with said statutes and any rules and regulations of the Division on the Necessaries of Life of the Department of Labor and Industries of the Commonwealth of Massachusetts.

(4) *Copy of price schedule to be furnished.* Each dealer shall furnish a copy of the applicable price schedule contained in this Appendix No. 23 to each buyer, except ultimate consumers, at the time of the first sale to such buyer of bagged anthracite or coke under paragraph (e) or (f) of this appendix, and shall similarly furnish to such buyers copies of any future amendments which in any way change or affect the prices established by those paragraphs.

(h) *Definitions.* When used in this Appendix No. 23, the term:

(1) "Specified solid fuels" shall include all Pennsylvania Anthracite (including Jeddo Highland and Franklin Lykens), Ambricoal, Coke and Cannel Coal.

(2) "Dealer includes retail stores except when the context indicates that retail stores are accorded separate treatment. For example, the term, dealer's yard," does not include a retail store but refers to the facilities of a dealer who is equipped to receive coal in bulk by rail or water.

(3) "A dealer's auxiliary station" means any distribution facilities operated by a dealer at a point separate and apart from the dealer's yard, without rail connections and not in the immediate vicinity of the dealer's yard. The term shall also include any retail store operated by a dealer, or controlled by or under common control with a dealer.

(4) "Bagger" means a dealer who bags coke in one-half bushel paper bags, or who bags Pennsylvania Anthracite in paper bags containing 25 pounds each, or who purchases such solid fuels, so bagged, from a producer or distributor thereof of from another dealer who has so bagged them.

This Amendment No. 4 shall become effective July 1, 1946.

Issued this 20th day of June 1946.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 46-12493; Filed, July 23, 1946; 2:33 p. m.]

[Newark Adopting Order 48 Under Basic Order 1 Under Gen. Order 68 and Order G-2 Under MPR 592]

CONCRETE AND CINDER BLOCKS IN SOUTHERN NEW JERSEY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, by section 23 of MPR 592, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Newark District Office, it is hereby ordered:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 1 as amended, under General Order 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis, of concrete and cinder blocks. All provisions of Basic Order No. 1, as amended under General Order No. 68 as amended are adopted in this Order and are just as much a part of this Order as if specifically set forth herein. If said Basic Order No. 1, as amended, is further amended in any respect the provisions of said order as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1, as amended, under General Order 68 as amended and should be familiar with the provisions of said order. This order also covers sales by manufacturers of concrete and cinder blocks to resellers.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order consists of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem, all in the state of New Jersey.

SEC. 3. *Maximum prices.* The maximum prices for concrete and cinder blocks of the types and sizes specified therein are set forth in Schedule A[1] hereto annexed and made part of this order. The prices stated in this Schedule are applicable to all sales in the area covered by this order regardless of the location of the seller's place of business.

SEC. 4. *Discounts, allowances, and terms of sale.* The delivery conditions, terms of sale, discounts and differentials, are set forth in Schedule A hereto annexed.

SEC. 5. *Relationship of this order to Basis Order No. 1 as amended, Under General Order 68 as amended, and to MPR 592, the General Maximum Price Regulation, and other maximum price regulations.* As to sales by all persons to ultimate users or to purchasers for resale on an installed basis, all provisions of Basic Order No. 1 as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum prices or pricing methods established by MPR 592, the General Maximum Price Regulation or any other applicable regulation. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of MPR 592, the GMPR, or any other applicable regulation shall remain applicable to sales covered by this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the applicable list of maximum prices fixed by this order in each of his places of business within any of the counties covered by this order.

SEC. 7. *Records and sales slips*—(a) *Required information.* The provisions of section (e) of Basic Order No. 1, as amended, covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein, and also, on any sale of $25.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of Delivery.
4. Complete description of each item sold and price.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slips upon a sale of concrete or cinder blocks covered by this order do not contain a sufficiently complete description to identify the size and type of block, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the maximum price of the lowest price, size and type of block listed in Schedule A, to which the incomplete description could apply. In the absence of any description, the maximum price shall be the lowest price that can be computed under Schedule A of this order.

SEC. 8. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective July 1, 1946.

Issued this 27th day of June 1946.

R. J. TARRANT,
District Director.

[F. R. Doc. 46-12514; Filed, July 23, 1946; 2:40 p. m.]

[Region III Order G-2 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN GRAND RAPIDS, MICH., AREA

For the reasons set forth in an accompanying opinion and pursuant to the

[1] Filed as part of original document.

provisions of General Order No. 68, it is hereby ordered that:

(a) Order No. G–2 be amended to read as follows:

Order No. G–2 under General Order No. 68. Maximum prices for retail sales of listed hard building materials in the Grand Rapids, Michigan area.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, this order is issued:

SECTION 1. *Transactions covered by this order.* This order covers all retail sales of any of the commodities covered by this order delivered to a purchaser in the Grand Rapids, Michigan, Area.

The Grand Rapids, Michigan Area, for the purposes of this order, consists of the cities of Grand Rapids, East Grand Rapids, Grandville, North Park, Comstock Park, Hudsonville, Home Acres, and Wyoming Park in the State of Michigan.

SEC. 2. *Definition of retail sales.* For the purposes of this order, a "retail sale" means a sale to an ultimate user or to a purchaser for resale on an installed basis: *Provided, however,* That this order shall not apply to sales by manufacturers or jobbers of any asphalt, tarred, asbestos cement or other composition siding or roofing materials or of thermal insulation such as mineral wool, vermiculite, etc., to bona fide applicators of roofing and/or siding and/or insulation.

For the purposes of this order, an "applicator of roofing and/or siding and/or insulation" is a contractor engaged generally in the business of furnishing labor and/or composition roofing and/or siding and/or insulation materials for the purpose of installing such roofing, siding or insulation materials in buildings or structures.

SEC. 3. *Description of items covered by this order.* This order covers the "hard building materials" set forth in the annexed table,[1] including, but not limited to, plaster, lath, lime, cement, clay drain tile, flue lining, roofing and insulation. Other related items may be added from time to time.

SEC. 4. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum prices or pricing methods previously fixed by any other regulations or orders. Except to the extent that they are inconsistent with the provisions of this order, the provisions of the General Maximum Price Regulation (except sections 18, 19, and 19a) and of other applicable regulations or orders, shall apply to sales covered by this order.

SEC. 5. *Maximum prices.* (a) The maximum prices for building materials covered by this order are set forth in Table 1, which is annexed to and made a part of this order.

(b) The sellers covered by this order may make a delivery charge of 50¢ on deliveries amounting to less than $10. All other deliveries shall be made free of charge.

[1] Filed as part of original document.

(c) Sellers covered by this order shall not discontinue or reduce any allowances, discounts, or differentials, for buyers of different classes, which they had in effect in March 1942. Sellers who added extra charges for sales of amounts less than the units specified in this order, may continue to make such extra charges provided such extra charges do not exceed those added in March 1942.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of this order in each of his places of business in the Grand Rapids, Michigan, Area in a manner plainly visible to all purchasers.

SEC. 7. *Sales slips and records.* Every seller covered by this order shall give each purchaser a receipt showing the date, name, and address of the seller, the description of each item sold and the price received for it. If the seller customarily prepared his sales slips in more than one copy, he must keep, for at least one year after delivery, a duplicate copy of each sales slip delivered by him pursuant to this section.

For any sale of $10.00 or more each seller, regardless of previous custom, must keep records showing at least the following:

(1) Name and address of buyer.
(2) Date of transaction.
(3) Place of delivery.
(4) Complete description of each item sold and price charged.

SEC. 8. *Prohibitions and evasions.* (a) No person shall sell and no person shall buy, in the course of trade or business, any of the commodities covered by this order, at prices greater than the maximum prices established by this order.

(b) The price limitations set forth in this order shall not be evaded by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any of the commodities covered by this order, whether alone or in conjunction with any other commodity or by way of commissions, services, transportation or other charges, discounts, premiums, or other privileges or by tying agreement or other understanding or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order or applicable regulations).

SEC. 9. *Less than maximum prices.* Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

SEC. 10. *Amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This Amendment No. 2 to Order No. G–2 under General Order No. 68 shall become effective May 20, 1946.

Issued May 16, 1946.

E. C. TURNEY,
Acting Regional Administrator.

[F. R. Doc. 46–12496; Filed, July 23, 1946; 2:34 p. m.]

[Region III, Order G–3 Under RMPR 122, Revocation]

SOLID FUELS AT CLINTON, IND.

Revocation of Order G–3 under RMPR 122 adjusting maximum prices for sales of coal by dealers at Clinton, Indiana. CV–122–23.

On March 31, 1943, the Regional Administrator issued an order adjusting the maximum prices for sales of coal by dealers at Clinton, Indiana (Docket No. CV–122–23). Order No. G–76 under Revised Maximum Price Regulation No. 122 was issued by the Regional Administrator on March 8, 1946 and became effective March 22, 1946. The latter order established maximum prices for the retail sale of bituminous coal by dealers in the Southwestern Indiana area. Included in the area covered by this order is Vermilion County, Indiana. The municipality of Clinton, Indiana is located in Vermilion County. Consequently, the Clinton, Indiana coal dealers are subject to the prices established in Order No. G–76. Hence, the order adjusting maximum prices for Clinton, Indiana dealers is no longer applicable. It has been determined by the Regional Administrator that such order should be revoked.

Accordingly, the order adjusting maximum prices for sales of coal by dealers at Clinton, Indiana (Docket No. CV–122–23) issued on March 31, 1943 by the Regional Administrator is hereby revoked.

This revocation shall become effective March 22, 1946.

Issued March 29, 1946.

E. C. TURNEY,
Acting Regional Administrator.

[F. R. Doc. 46–12520; Filed, July 23, 1946; 2:42 p. m.]

[Region III Rev. Order G–5 Under RMPR 122, Amdt. 2]

SOLID FUELS IN AKRON, OHIO, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered,* That Revised Order No. G–5 under Revised Maximum Price Regulation No. 122 be and the same is hereby amended in the following respects:

Paragraph (e) (1), Schedule I, Part II is amended to read as follows:

SCHEDULE I

SOLID FUEL RECEIVED BY RAIL

Column I	Column II	Column III
I. High Volatile Bituminous Coals from Producing District No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia and Northeastern Tennessee):*		
A. Lump: 1. Size group No. 2 (larger than 3" but not exceeding 5"):		
a. Mine price classification C through E	$9.30	$9.05
b. Mine price classification F	9.10	8.85
c. Mine price classification G through J	9.05	8.80
d. Mine price classification K	8.85	8.60
e. Mine price classification L and lower	8.80	8.55

This Amendment No. 2 shall become effective July 1, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12513; Filed, July 23, 1946; 2:40 p. m.]

[Region III Rev. Order G-6 Under RMPR 122, Amdt. 1]

SOLID FUELS IN LIMA, OHIO, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is ordered,* That Revised Order No. G-6 under Revised Maximum Price Regulation No. 122 be and the same hereby is amended in the following respects:

Paragraph (e) (1), Schedule I, Part I is amended to read as follows:

SCHEDULE I

SOLID FUEL RECEIVED BY RAIL

Column I	Column II
I. High volatile bituminous coals from producing district No. 8 (eastern Kentucky, southern West Virginia, western Virginia, northeastern Tennessee): *	
A. Lump—size groups Nos. 1 and 2 (larger than 3"):	
1. Mine price classifications A through E	$9.10
2. Mine price classifications, other	8.65
B. Egg—size group Nos. 5, 6 and 7 (top size larger than 5" but not exceeding 6" x bottom size 3" and smaller; top size larger than 3" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3")	8.40
C. Stoker—size group No. 10 (top size 1¼" and smaller and bottom size ⅛" and larger):	
1. Mine price classification A	9.00
2. Mine price classifications B through G (on coal from mine index No. 415, the Roda Nos. 3 and 4 of the Stonega Coke & Coal Co., $0.25 per ton may be added to the selling price)	8.60
3. Mine price classification H and lower	8.25
D. Nut and slack	7.80
E. To the prices stated in sections A, B, C and D of part I may be added $0.15 per ton provided the coal is mined in subdistrict 6 of producing district No. 8. Subdistrict 6 includes that portion of district 8 which is in northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Owsley, Pulaski, Rock Castle, Wayne and Whitley.	

This amendment No. 1 shall become effective July 1, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12491; Filed, July 23, 1946; 2:32 p. m.]

[Region III Rev. Order G-8 Under RMPR 122, Amdt. 2]

SOLID FUELS IN LOUISVILLE, KY., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122: *It is ordered,* That Revised Order No. G-8 under Revised Maximum Price Regulation No. 122 be and the same is hereby amended in the following respects:

Paragraph (e) (1), Schedule I, Part I is amended to read as follows:

SCHEDULE I

SOLID FUEL RECEIVED BY RAIL OR WATER

Column I	Column II	Column III
I. * * *		
A. * * *		
B. Egg:		
1. Size group No. 5 (top size larger than 5" but not exceeding 6" x bottom size larger than 2" but not exceeding 3"; top size larger than 6" x bottom size 2" and smaller) mine price classification G through K	$7.65	$7.40
2. Size group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3").		
a. Mine price classifications E and F	7.90	7.65
b. Mine price classifications G through N	7.55	7.30
3. Size group No. 7 (top size larger than 3" but not exceeding 5" x bottom size 2" and smaller) mine price classifications B through M	7.55	7.30

This amendment No. 2 shall become effective July 1, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12492; Filed, July 23, 1946; 2:32 p. m.]

[Omaha Order 9 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN KEARNEY, NEBR., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, Omaha District Order No. 9 under General Order No. 68 is amended in the following respects:

"Appendix A (Table of Prices)" to the above order is hereby revoked, and the attached "Revised Appendix A (Table of Prices)"[1] is substituted in its place.

This amendment shall become effective July 1, 1946.

Issued this 28th day of June, 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-12516; Filed, July 23, 1946; 2:41 p. m.]

[1] Filed as part of the original document.

[Region III Rev. Order G-10 Under RMPR 122, Amdt. 1]

SOLID FUELS IN SOUTH BEND, IND., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered,* That Revised Order No. G-10 under Revised Maximum Price Regulation No. 122 be and the same is hereby amended in the following respects:

Paragraph (e) (1), Schedule I, Part II is amended to read as follows:

Column I	Column II
II. High volatile bituminous coals from producing district No. 11 (Indiana):	
A. Lump and egg:	
Size group Nos. 1, 2 and 3 (bottom size larger than 2", washer or raw):	
1. Price group Nos. 6 and 14	$8.93
2. Price group Nos. 5, 13 and 20	8.33
3. Price group Nos. 1 through 4, and 8 through 12	7.73
B. Raw nut and pea (stoker):	
Size group Nos. 9 through 12 (bottom size larger than 10 mesh or 3/32"):	
1. Price group Nos. 6 and 14	7.98
2. Price group Nos. 5, 13 and 20	7.53
3. Price group Nos. 1 through 4 and 8 through 12	7.18
C. Screenings:	
1. Raw—size group Nos. 13 and 14 (larger than ⅜" x 0 but not exceeding 2 x 0):	
a. Price group Nos. 8 through 12	6.48
b. Price group No. 16	6.68
2. Washed or air-cleaned—size group Nos. 23 and 24 (top size not exceeding 2"):	
a. Price group Nos. 8 through 12	6.78
b. Price group No. 16	6.93
3. Dry dedusted—size group Nos. 26 and 27 (top size not exceeding 2"):	
a. Price group Nos. 8 through 12	6.63
b. Price group No. 16	6.88

This amendment No. 1 shall become effective July 1, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12505; Filed, July 23, 1946; 2:38 p. m.]

[Region III Rev. Order G-12 Under RMPR 122, Amdt. 1]

SOLID FUELS IN PADUCAH, KY., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is ordered,* That Revised Order No. G-12 under Revised Maximum Price Regulation No. 122 be and the same is hereby amended in the following respects:

Paragraph (e) (1), Schedule I, Part I is amended to read as follows:

Column I	Column II
I. High volatile bituminous coals from producing district No. 9 (western Kentucky, excepting coals shipped by truck or wagon):*	
A. Lump and egg—size group Nos. 1 through 6 (all single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2"):	
1. From the 6th seam mines	$6.01
2. From the 9th and 11th seam mines	5.31
B. Stove, Nut and Pea:	
1. Raw size group Nos. 8 through 12 (all double-screened raw or washed stove coals, top size larger than 1½" but not exceeding 2" and bottom size larger than ⅜". All raw double screened nut, stoker, and pea top size not exceeding 2" and bottom size larger than 10 mesh or 3/32"):	
a. From the 6th seam mines	5.56
b. From the 14th seam mines	4.81
2. Washed or air-cleaned—size group Nos. 17 through 22 (all washed or air-cleaned, double-screened nut, stoker and pea, top size not exceeding 2"; dedusted washed screenings bottom size larger than 1 millimeter and top size not exceeding 2"):	
a. From the 9th and 11th seam mines	4.91
b. From the 14th seam mines	4.81

*$0.10 per ton may be added to the prices of these coals provided the coal has been subjected to an oil or calcium chloride treatment by the producer to allay dust or prevent freezing.

This amendment No. 1 shall become effective July 1, 1946.

Issued June 17, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-12510; Filed, July 23, 1946; 2:39 p. m.]

[Chicago Order G-2 Under General Order 68]

BUILDING MATERIALS IN LAKE COUNTY, ILL.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendices A and B attached hereto[1] delivered to the purchaser in the Lake County, Illinois area. The Lake County, Illinois area for the purposes of this order consists of the entire County of Lake in the State of Illinois.

SEC. 2. *Definitions*—(a) *Retail sale.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor: *Provided,* That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions, or to the government of any state, county, or municipality, or any political subdivisions thereof.

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing and siding products, insulation, and asbestos cement siding are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendices A and B. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendices A and B prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. *Maximum price, discounts and delivery practices.* On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendices A and B attached hereto, at prices higher than the maximum prices set forth in those appendices.

SEC. 5. *Posting.* Every seller making sales covered by this order shall post a copy of the list of maximum prices for sales to consumers contained in Appendix B of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. In addition, he shall keep on file in an appropriate counter book or other such record in each of his places of business in the area covered by this order, a copy of the list of maximum prices for sales to contractors set out in Appendix A of this order and shall, if requested by any purchaser, make available to the purchaser for inspection his copy of this order including Appendices A and B containing the list of maximum prices applicable to that sale. There is attached to this order for your convenience two copies of its appendices containing the items covered with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted and the list of maximum prices to contractors hereinbefore required to be filed in seller's counter book or other such record.

SEC. 6. *Sales slips and records.* Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling $7.50 or more.)
4. Description of the items sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceeding and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to this order may evade any of the provisions of the order by any strategem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

This order may be modified, amended, or revoked at any time.

This order shall become effective July 1, 1946.

Issued this 26th day of June 1946.

JAMES F. RILEY,
District Director.

[F. R. Doc. 46-12504; Filed, July 23, 1946; 2:37 p. m.]

[Omaha Order 10 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN THE GRAND ISLAND, NEBR., AREA

For the reasons set forth in an opinion isued simultaneously herewith, and pursuant to the provisions of General Order No. 68, Omaha District Order No. 10 under General Order No. 68 is amended in the following respects:

"Appendix A (Table of Prices)" to the above order is revoked, and the attached "Revised Appendix A (Table of Prices)"[1] is substituted in its place.

This amendment shall become effective July 1, 1946.

Issued this 28th day of June 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-12524; Filed, July 23, 1946; 2:43 p. m.]

[1] Filed as part of the original document.

[Omaha Order 11 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN HASTINGS, NEBR., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, Omaha District Order No. 11 under General Order No. 68 is amended in the following respects:

"Appendix A (Table of Prices)" to the above order is hereby revoked, and the attached "Revised Appendix A (Table of Prices)"[1] is substituted in its place.

This amendment shall become effective July 1, 1946.

Issued this 28th day of June 1946.

EDWIN F. MORAN,
District Director.

[F. R. Doc. 46-12523; Filed, July 23, 1946; 2:43 p. m.]

[Peoria Rev. Order G-12 Under Gen. Order 68]

HARD BUILDING MATERIALS IN LA SALLE, PERU AND OGLESBY, ILL., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the La Salle, Peru and Oglesby, Illinois area. The La Salle, Peru and Oglesby area covered by this order consists of the Townships of La Salle and Peru in La Salle County, State of Illinois.

SEC. 2. *Definitions*—(a) *Retail sale.* For the purpose of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions;

(b) *Contractor.* Any person who sells material or equipment, and in connection therewith assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor;

(c) *Applicators.* Purchasers by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. *Maximum price, discounts and delivery practices.* On and after the date of this order, regardless of any contract, agreement, or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto,[1] at prices higher than the maximum prices set forth in this appendix. All prices include free delivery within the area described by this order. For deliveries outside the free delivery zone, no charge may be made for deliveries in excess of the charges now legally in effect by such seller for a similar delivery.

SEC. 5. *Posting.* Every seller making sales covered by this order shall post a copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its appendix containing the items covered, with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. *Sales slips and records.* Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale, of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling $7.50 or more).
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to the order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

The Appendix containing the dollars-and-cents ceiling prices and the discounts and allowances established by this order is attached hereto, marked Appendix A and made a part hereof.[1]

This revised order may be modified, amended, or revoked at any time.

This revised order shall become effective July 5, 1946.

Issued this 28th day of June, 1946.

KENNETH H. LEMMER,
District Director.

[F. R. Doc. 46-12499; Filed, July 23, 1946; 2:36 p. m.]

[1] Filed as part of the original document.

[Region VII Order G-22 Under SO 94]

SURPLUS WAR COMMODITIES IN DENVER, COLO.

Order No. G-22 under Supplementary Order No. 94. Maximum resale prices at specified levels for the named surplus war commodities. Docket No. 7-SO 94-11-41.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and sections 11 and 13 of Supplementary Order No. 94, and for the reasons set forth in the accompanying opinion, this Order No. G-22 is issued.

(a) *What this order does.* This Order No. G-22 establishes maximum prices for the Salvage Officer of the Denver Medical Depot and for resellers at the specified levels for the particular war surplus commodities in question when sold by such Salvage Officer f. o. b. Denver, Colorado, and when sold by any reseller anywhere in the 48 states of the United States and the District of Columbia.

(b) *Description of commodities.* This order covers only used articles which were heretofore duly declared to be war surplus commodities, now located at the Denver Medical Depot, Thirty-eighth and York Streets, Denver, Colorado, and more particularly described in the pricing section hereof.

(c) *Maximum prices at specified levels.*

(1) When sold by the Salvage Officer (government agency) to any buyer:

Used feather pillows, assorted, approximate size 20" x 30"	$0.20
Used mattresses, innerspring, assorted, size 36" x 78"	7.50
Used covers, mattress, assorted, size 36" x 78"	.20
Used pillowcases, cotton, size approximately 20" x 30", each	.14
Used sheets, cotton, sizes assorted	.62
Plastic serving trays, assorted	.15

(2) When sold by any reseller to a retailer:

Used feather pillows, assorted, approximate size 20" x 30"	$0.55
Used mattresses, innerspring, assorted, size 36" x 78"	9.00
Used covers, mattress, assorted, size 36" x 78"	.30
Used pillowcases, cotton, size approximately 20" x 30", each	.20
Used sheets, cotton, sizes assorted	.75
Plastic serving trays, assorted	.25

(3) When sold by any reseller to a consumer:

Used feather pillows, assorted, approximate size 20" x 30"	$0.95
Used mattresses, innerspring, assorted, size 36" x 78"	15.00
Used covers, mattress, assorted, size 36" x 78"	.50
Used pillowcases, cotton, size approximately 20" x 30" (each)	.30
Used sheets, cotton, sizes assorted	1.10
Plastic serving trays, assorted	.40

(d) *Reconditioning and sanitary requirements.* The maximum prices hereinabove established for resellers are applicable only if, before making a sale, the reseller has fully complied with all applicable police regulations pertaining to sterilization, sanitation, and reconditioning of such used articles.

(e) *Geographical applicability.* This Order No. G-22 covers resales of the war surplus commodities in question when made by any reseller any place within the 48 states of the United States or the District of Columbia.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-22 shall become effective on the 28th day of June, 1946.

Issued this 28th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-12526; Filed, July 23, 1946; 2:44 p. m.]

[Region VIII Rev. Order G-4 Under Gen. Order 68]

BUILDING MATERIALS IN LOS ANGELES COUNTY, CALIF.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section (a) of General Order No. 68, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for every retail sale of the building materials specified in Appendix A attached hereto,[1] in Los Angeles County, California, except that portion thereof lying north of the crest of the San Gabriel mountains, north of the most northerly limits of the City of Los Angeles adjacent thereto, and north of the crest of the San Susana mountains, and also that area lying east of a line projected due north from the westerly limits of the City of Pomona, California. Included in the area thus excepted from the effect of this order are the cities of Newhall, Tongus, Palmdale, Lancaster, Littlerock, La Verne, Claremont, and Pomona.

(b) *Maximum prices.* The maximum price for a retail sale of any item listed in Appendix A hereto shall be the price therein stated. In the case of such a sale no person in the course of trade or business shall buy or receive any such item at a price higher than the maximum price set forth therein. Prices lower than the maximum price may, of course, be charged or demanded.

(c) *Relation to other regulations.* The maximum price fixed by this order supersedes any maximum price or pricing method previously fixed by any other regulation or order.

(d) *Posting of maximum price.* Every person making sales subject to this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business covered by this order in a manner visible to all purchasers.

(e) Every person making sales subject to this order must keep a record showing in respect to each sale the identity of each item sold (sufficiently specific to permit the maximum price to be determined, and including the quantity and size), the unit price, the date of sale, the names and the addresses of the buyers and sellers, and the total price. Delivery charges, if any, shall be shown separately. Each seller shall also furnish each customer, except as hereinafter indicated, at the time of sale or delivery, an invoice or sales slip on which is shown the same information. When making a sale for cash where the total sum of the sale does not exceed $7.50, the information indicated above need not be furnished the purchaser unless he so requests the same at the time of sale. These records and duplicates of such invoices and sales slips shall be kept by each seller at his place of business for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, and shall be available for inspection by the Office of Price Administration.

(f) *Definitions.* (1) "Retail sale" means a sale to an ultimate user or to any person (such as a contractor) for resale on an installed basis.

(g) This revised order may be modified or revoked at any time.

This revised order shall become effective July 1, 1946.

Issued this 28th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-12517; Filed, July 23, 1946; 2:41 p. m.]

[Region VIII Rev. Order G-4 Under RMPR 251, Amdt. 1]

INSTALLED INSULATION IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith.

Revised Order G-4 under section 9 of Revised Maximum Price Regulation 251 is amended in the following respect:

Paragraph (b) is amended by changing the heading in the table set forth herein to read as follows:

Item No.	Place of installation	Maximum price per square foot of area				
		Mineral wool and Thermosave, 4" depth	Other loose material, 4" depth	Batt or blanket thickness		
				1"	2"	3"

This order shall become effective this 8th day of July 1946.

Issued this 28th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-12519; Filed, July 23, 1946; 2:42 p. m.]

[Region VIII Order G-10 Under Gen. Order 68]

BUILDING MATERIALS IN SAN FRANCISCO, CALIF., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section (a) of General Order No. 68, it is hereby ordered:

(a) *What this order does:* This order establishes maximum prices for retail sales of items listed in the appendices to this order when sold or delivered by a seller having a selling establishment located in the area to which an appendix relates. The appendices to this order[1] and the area to which each relates (all in the State of California) are as follows:

Appendix A—San Francisco County.
Appendix B—San Mateo County.
Appendix C—Alameda County (Cities of Alameda, San Leandro, Oakland, Piedmont, Emeryville, Berkeley and Albany only) and El Cerrito (Contra Costa County).
Appendix D—Contra Costa County (City of Richmond only).
Appendix E—Sacramento County.
Appendix F—San Joaquin County.
Appendix G—Fresno County.

(b) *Maximum prices.* The maximum price for any retail sale of a kind for which a price is stated in an appendix attached to this order is the price so stated. In the case of such a retail sale, no person shall sell or deliver, or offer to sell or deliver, and no person in the course of trade or business shall buy or receive any item at a price higher than the maximum price therefor. Prices lower than the maximum prices may, of course, be charged or demanded. The prices stated in each appendix apply only to selling establishments located in the area to which the appendix relates, but they apply to all sales by such establishments, irrespective of the location of the point at which the buyer may take delivery.

(c) *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order.

(d) *Posting of maximum prices.* Every person making sales subject to this order shall post a copy of the list of applicable

[1] Filed as part of the original document.

maximum prices fixed by this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers.

(d) *Records and invoices.* Every person making sales subject to this order must keep a record showing, in respect to each sale of $5.00 or more, the identity of each item sold (sufficiently specific to permit the maximum price to be determined, and including the quantity and size), the unit price, the date of sale, the names and addresses of the buyer and the seller, and the total price. Discounts and delivery charges, if any, shall be shown separately. Each seller shall also furnish each customer at the time of sale or delivery an invoice or sales slip on which he has itemized the same information. These records and duplicates of such invoices or sales slips shall be kept by each seller at his place of business for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, and shall be available for inspection by the Office of Price Administration at any time.

(f) Definition and explanation of terms and provisions of this order:

(1) "Retail sale" means a sale to an ultimate user or to any person (such as contractor) for resale on an installed basis.

(2) "Square" means a quantity of material sufficient, when applied according to manufacturer's specifications, to cover 100 square feet of wall or roof area, as the case may be.

(3) "Contractor" means any person who purchases for resale on an installed basis, including subcontractors.

(4) Application of prices. The prices stated in the appendices of this order for carlot sales apply to deliveries f. o. b. car; such prices for L. C. L. sales apply to deliveries f. o. b. seller's place of business.

(5) Delivery allowances. The provisions in the appendices of this order relating to delivery allowances, when referring to distance, mean distance as measured along the most direct, customary route between the buyer's delivery point and the seller's nearest place of business and, when referring to time required for making delivery, mean a period of time not exceeding that which would be required for making delivery in a normal manner over such route. A fraction of an hour may not be counted as a full hour; allowance therefor must be determined proportionally to the hourly rate.

(6) Discounts. The cash discounts specified in the appendices of this order must be allowed in all cases in which payment is made by the purchaser (of a kind entitled to such discount) within the period indicated, such period commencing at time of delivery; "end of month" refers to payments made on or before the last day of the month in which delivery is made; "10th prox." refers to payments made on or before the 10th day of the calendar month following the month in which delivery is made.

The trade discounts specified in the appendices of this order must be allowed in all sales to contractors involving the quantities specified (if any).

(7) "Customary" discounts and delivery charges are those discounts, price allowances, price differentials, and delivery charges which the particular seller had in effect and customarily allowed or charged during March, 1942. A seller having no customary discounts or delivery charges shall use those of his closest competitor.

(g) This order may be modified or revoked at any time.

This order shall become effective July 7, 1946.

Issued this 25th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-12525; Filed, July 23, 1946; 2:44 p. m.]

[Region VIII Rev. Order G-11 Under RMPR 251, Amdt. 3]

INSTALLED ROOFING AND SIDING IN SOUTHERN CALIFORNIA

An opinion accompanying this amendment has been issued simultaneously herewith.

Revised Order No. G-11 under Revised Maximum Price Regulation No. 251 is amended in the following respects:

1. In subparagraph (c) (A) (i) the following items are amended to read as follows:

33. Plain asphalt roof coatings, cold application over new roofing	$1.50
34. Fibre roof coatings, cold application over new roofing	1.75

2. In subparagraph (c) (A) (iv), the following changes and additions are made:

1. For removal of old composition roofs, (other than removal of gravel only)	$1.50
Plus for each story above the second story	.30
8. For galvanized iron valleys 18" 26 ga. (per lineal ft.)	.30

3. Subparagraph (c) (ii) is amended to read as follows:

(ii) Mileage and Subsistence: For necessary travel to and from a job when the work is performed at a place more than 15 miles from the seller's nearest place of business, as measured along the most direct customary route, mileage may be charged at the rate of 10 cents per mile (one way) per day per job, but only for the excess over such distance.

A seller may be reimbursed for expenses incurred by him for employees required to remain out of town for the purposes of a job, but such reimbursement may not exceed the amount actually paid, and may be charged only if the need therefor has been explained to and authorized by the customer prior to the commencement of the work.

4. Subparagraph (d) (2) is amended by inserting at the end thereof the following:

The above 25% limitation does not apply to repair of tile roofing.

This amendment to Revised Order No. G-11 shall become effective July 8, 1946.

Issued this 28th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-12518; Filed, July 23, 1946; 2:41 p. m.]

[Region VIII Orders G-5, G-7, G-8, G-9, G-10, G-14, G-15, G-17, G-19 Under RMPR 251, Revocation]

CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS IN SAN FRANCISCO REGION

Order No. G-5, Plumbing services in southern California and contiguous areas. Order No. G-7, Plumbing services in Oregon and certain adjacent area. Order No. G-8, Plumbing services in the State of Nevada. Order No. G-9, Painting and paperhanging services in Oregon and certain adjacent areas. Revised Order No. G-10, Plumbing services in central and northern California. Order No. G-14, Painting and paperhanging services in northern Idaho and eastern Washington. Order No. G-15, Sheet metal services in the Portland area. Order No. G-17, Plumbing and heating services in eastern Washington and northern Idaho. Order No. G-19, Electrical services in the Spokane area.

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the Regional Administrator by sections 9 and 20 of Revised Maximum Price Regulation No. 251, the above-named orders are hereby revoked.

This order of revocation shall become effective July 14, 1946.

Issued this 25th day of June, 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-12497; Filed, July 23, 1946; 2:35 p. m.]

[Region V Order G-1 Under Gen. Order 50, Amdt. 13]

MALT BEVERAGES IN DALLAS REGION

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by GO 50, Region V Order No. G-1 under GO 50, Maximum Prices for Malt Beverages in Designated Southern States, is amended in the following respects:

1. The last paragraph of section 3 (b) is amended to read as follows:

Malt beverages in container sizes for which prices are not specified in Appendix A shall be priced pursuant to the provisions of Restaurant Maximum Price Regulation No. 2.

2. Section 17 (e) is amended to read as follows:

"Consumption on the premises" as applied to sales of malt beverages means any sale of malt beverages "on draft", or any sale of malt beverages in containers when the container is opened by the seller, or opened on or about the seller's premises. However, if the cap is not completely removed from the container

or if the cap is replaced on the container after removal, the container shall not be deemed to have been opened within the meaning of this definition.

3. Section 4 (e) (2) is amended by striking the semicolon following the word "belongs" in the second sentence and inserting a period; by striking the remainder of the sentence; and by adding a new sentence immediately following the second sentence to read as follows:

No application may be granted if filed after such 60-day period unless the applicant shows good cause for failure to file within the time specified herein.

4. Section 20, Appendix A: Maximum prices for malt beverage items is amended as follows:

(a) By designating the first paragraph (a) and adding a new paragraph (b), immediately preceding Table I, to read as follows:

(b) Notwithstanding the maximum prices set forth in the following tables, no establishment may charge more than 14¢ per 12-ounce container or 32¢ per 32-ounce container for malt beverages in containers without labels or identifying imprints.

(b) By changing the heading and list of prices in Table I to read as follows:

TABLE I—MAXIMUM PRICE PER CONTAINER FOR THE RESPECTIVE CONTAINER SIZES FOR ALL OF THE BRANDS OF MALT BEVERAGES LISTED IN THIS TABLE I

[List of prices]

Group 1B		Group 2B		Group 3B	
12 oz.	32 oz.	12 oz.	32 oz.	12 oz.	32 oz.
27¢	52¢	22¢	47¢	19¢	42¢

(c) By changing the heading and list of prices in Table II to read as follows:

TABLE II—MAXIMUM PRICES PER CONTAINER FOR THE RESPECTIVE CONTAINER SIZES FOR ALL OF THE BRANDS OF MALT BEVERAGES LISTED IN THIS TABLE II

[List of prices]

Group 1B		Group 2B		Group 3B	
12 oz.	32 oz.	12 oz.	32 oz.	12 oz.	32 oz.
22¢	42¢	17¢	37¢	14¢	32¢

(d) By changing the heading to Table III to read as follows:

Table III—Maximum Prices per Container for the Respective Container Sizes for the Respective Brands of Malt Beverages Listed in This Table III.

(e) By changing the Note to Table III to read as follows:

NOTE: "Mexican Beer" means all malt beverages produced in the Republic of Mexico. Prices for "Mexican Beer" shown in the 12 oz. column above include 12 oz. containers and containers of approximately 11 oz. Prices for "Mexican Beer" shown in the 7 oz. column above include bottles of approximately 7 oz. commonly known as "splits."

(f) By changing the heading and list of prices in Table IV to read as follows:

TABLE IV—MAXIMUM PRICES PER CONTAINER IN THE RESPECTIVE CONTAINER SIZES FOR ALL BRANDS OF MALT BEVERAGES NOT LISTED IN TABLE I, II, OR III.

[List of prices]

Group 1B		Group 2B		Group 3B	
12 oz.	32 oz.	12 oz.	32 oz.	12 oz.	32 oz.
22¢	42¢	17¢	37¢	14¢	32¢

This amendment shall become effective July 1, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Public Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued at Dallas, Texas, this 27th day of June 1946.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 46-12522; Filed, July 23, 1946; 2:43 p. m.]

[Kansas City Order 7 Under Gen. Order 68]

BUILDING MATERIALS IN KANSAS CITY, MO., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SEC. I. *What this order does.* This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A [1] of this order when such sales are made in Andrew, Atchison, Caldwell, Carroll, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Holt, Linn, Livingston, Mercer, Nodaway, Putnam, Ray, Sullivan, and Worth Counties, Missouri.

SEC. II. *Definitions.* 1. The term "retail sales" as used in this order means any sale of the building materials covered by this order to ultimate consumers or to a contractor who will resell the same on an installed basis.

2. *Free delivery zone.* The term "free delivery zone" as used in this order includes all points within five miles of the seller's place of business.

SEC. III. *Maximum prices.* Maximum prices for commodities subject to this order are those set forth in Appendix A hereof, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. *The relation of this order to other regulations.* The maximum prices as fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. *Invoices and notifications.* Each seller making a sale subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery area or delivered outside free delivery area.
6. The amount of any delivery charge made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. *Addition of increase in supplier's prices prohibited.* The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices established hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. *What this order prohibits.* Regardless of any obligation, contract or other agreement no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices fixed by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by

(i) Making a charge for delivery of building materials items delivered within the free delivery zone as herein defined where no charge is provided.

(ii) Making a delivery charge in excess of that provided by this order.

(iii) Making a charge higher than this order authorizes for the extension of credit.

(iv) Failure to give the discounts required by this order for prompt payment.

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(vi) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. *Enforcement.* 1. Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to

[1] Filed as part of original document.

communicate with the Kansas City District Office of the Office of Price Administration.

SEC. X. *Building materials not covered by this order.* There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Kansas City District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective July 15, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Kansas City, Missouri this 28th day of June 1946.

J. G. CALLAWAY,
District Director.

[F. R. Doc. 46-12503; Filed, July 23, 1946; 2:37 p. m.]

[Fort Worth Order G-13 Under Gen. Order 68]

BUILDING MATERIALS IN HUTCHINSON COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. *What this order does.* This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A[1] of this order when such sales are made in the geographical area comprising Hutchinson County, Texas.

SEC. II. *Definitions.* 1. The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

2. The term delivery zone as used in this order includes all points within a radius of four miles from the place from which delivery is made and all points within the corporate limits of the city or town in which the seller is located.

SEC. III. *Maximum prices.* Maximum prices for commodities subject to this order are those set forth in Appendix A which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. *The relation of this order to other regulations.* The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of busines located in the area covered by this order.

SEC. VI. *Invoices and notification.* Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in delivery area, or delivered outside delivery area.
6. If delivery is made outside the seller's delivery zone, the amount of any delivery charges made must be stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. *Addition of increase in supplier's prices prohibited.* The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. *What this order prohibits.* Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. *Enforcement.* 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Fort Worth District Office of the Office of Price Administration.

SEC. X. *Building materials not covered by this order.* There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the Regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 29, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 25th day of June 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-12529; Filed, July 23, 1946; 2:45 p. m.]

[Fort Worth Order G-14 Under Gen. Order 68]

BUILDING MATERIALS IN FORT WORTH, TEX., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION 1. *What this order does.* This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A[1] of this order when such sales are made in the geographical area comprising Castro, Briscoe, Floyd, Hale, Lamb, Motley, and Swisher Counties, Texas.

SEC. II. *Definitions.* 1. The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. *Maximum prices.* Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. *The relation of this order to other regulations.* The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

[1] Filed as part of original document.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. *Invoices and notification.* Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, or delivered to job site
6. A statement of cash discounts allowed for prompt payment.
7. A separate statement of any amount added for the extension of credit.
8. The amount of drayage charged for making delivery.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. *Addition of increase in supplier's prices prohibited.* The maximum price set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. *What this order prohibits.* Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. *Enforcement.* 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Fort Worth District Office of the Office of Price Administration.

SEC. X. *Building materials not covered by this order.* There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the Regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 29, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 26th day of June 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-12528; Filed, July 23, 1946; 2:45 p. m.]

[Fort Worth Order G-15 Under Gen. Order 68]

BUILDING MATERIALS IN GRAY, ROBERTS, HEMPHILL AND WHEELER COUNTIES, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. *What this order does.* This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A[1] of this order when such sales are made in the geographical area comprising Gray, Roberts, Hemphill and Wheeler Counties, Texas.

SEC. II. *Definitions.* 1. The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

2. The term delivery zone as used in this order includes all points within the corporate limits of the city or town in which delivery is made.

SEC. III. *Maximum prices.* Maximum prices for commodities subject to this order are those set forth in Appendix A which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. *The relation of this order to other regulations.* The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

[1] Filed as part of original document.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. *Invoices and notification.* Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in delivery area, or delivered outside delivery area.
6. If delivery is made outside the seller's delivery zone, the amount of any delivery charges made must be stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. *Addition of increase in supplier's prices prohibited.* The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. *What this order prohibits.* Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. *Enforcement.* 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to

communicate with the Fort Worth District Office of the Office of Price Administration.

SEC. X. *Building materials not covered by this order.* There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the Regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 29, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 27th day of June 1946.

E. B. HOLLOWAY,
District Director.

[F. R. Doc. 46-12521; Filed, July 23, 1946; 2:42 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register July 19, 1946.

Region II

Baltimore Order 56, Amendment 3, covering dry groceries in the Baltimore, Maryland area. Filed 2:31 p. m.

Baltimore Order 9–W, Amendment 3, covering dry groceries in certain counties below the Chesapeake and Delaware Canal. Filed 2:31 p. m.

Baltimore Order 52, Amendment 3, covering dry groceries in certain counties below the Chesapeake and Delaware Canal. Filed 2:31 p. m.

District of Columbia Order 1–M, Amendment 2, covering bottle beer and ale in the Washington, D. C. area. Filed 2:31 p. m.

Newark Order 1–M, Revocation, covering bottle beer and ale in certain counties in New Jersey. Filed 2:31 p. m.

Region III

Cincinnati Order 27, Amendment 5, covering dry groceries in certain counties in Ohio. Filed 2:30 p. m.

Cincinnati Order 28, Amendment 5, covering dry groceries in certain counties in Ohio. Filed 2:30 p. m.

Cincinnati Order 29, Amendment 5, covering dry groceries in certain counties in Ohio. Filed 2:30 p. m.

Cincinnati Order 11–W, Amendment 5, covering dry groceries in certain counties in Ohio. Filed 2:30 p. m.

Cleveland Order 4–C, Amendment 4, covering poultry in certain counties in Ohio. Filed 2:24 p. m.

Cleveland Order 37, Amendment 12, covering dry groceries in Cuyahoga, county, Ohio. Filed 2:25 p. m.

Cleveland Order 39, Amendment 5, covering dry groceries in certain areas in Ohio. Filed 2:25 p. m.

Cleveland Order 40, Amendment 5, covering dry groceries in all counties in Ohio. Filed 2:32 p. m.

Cleveland Order 6–W, Amendment 12, covering dry groceries in Cuyahoga county, Ohio. Filed 2:29 p. m.

Cleveland Order 7–W, Amendment 5, covering dry groceries in certain areas in Ohio. Filed 2:32 p. m.

Detroit Order 9–O, Amendment 22, covering eggs in designated counties in Ohio. Filed 2:29 p. m.

Detroit Order 10–O, Amendment 14, covering eggs in Wayne county, Ohio. Filed 2:30 p. m.

Region IV

Memphis Order 9–F, Amendment 12, covering fresh fruits and vegetables in certain counties in the Memphis area. Filed 2:33 p. m.

Memphis Order 10–F, covering fresh fruits and vegetables in the Memphis area. Filed 2:32 p. m.

Region V

New Orleans Order 31, Amendment 6, covering dry groceries sold by Groups 1 and 2 stores. Filed 2:23 p. m.

New Orleans Order 5–W, Amendment 6, covering dry groceries. Filed 2:22 p. m.

Region VII

Denver Order 82, Amendment 14, covering dry groceries in the Denver area. Filed 2:35 p. m.

Denver Order 83, Amendment 14, covering dry groceries in the Colorado Springs-Pueblo-Trinidad area. Filed 2:35 p. m.

Denver Order 84, Amendment 14, covering dry groceries in the Grand Junction area. Filed 2:35 p. m.

Denver Order 85, Amendment 15, covering dry groceries in the Canon City-Lamar-Rocky Ford-Salida area. Filed 2:35 p. m.

Denver Order 86, Amendment 14, covering dry groceries in the Craig-Leadville area. Filed 2:35 p. m.

Denver Order 87, Amendment 12, covering dry groceries in the Durango area. Filed 2:35 p. m.

Denver Order 88, Amendment 14, covering dry groceries in the Boulder-Fort Collins-Fort Morgan-Greeley area. Filed 2:35 p. m.

Denver Order 89, Amendment 14, covering dry groceries in the Burlington-Julesburg-Limon-Sterling area. Filed, 2:36 p. m.

Denver Order 90, Amendment 14, covering dry groceries in the Gunnison-Meeker-Silverton area. Filed 2:36 p. m.

Denver Order 91, Amendment 14, covering dry groceries in the Delta-Montrose-Glenwood Springs area. Filed 2:36 p. m.

Denver Order 92, Amendment 14, covering dry groceries in the Alamosa-Creede-Monte-Vista area. Filed 2:36 p. m.

Denver Order 93, Amendment 13, covering dry groceries sold by Group 4 stores in the Group 4 area No. 1. Filed 2:36 p. m.

Denver Order 94, Amendment 14, covering dry groceries sold by Group 4 stores in the Group 4 area No. 2. Filed 2:36 p. m.

Denver Order 12–W, Amendment 17, covering dry groceries in the Denver area. Filed 2:36 p. m.

Denver Order 13–W, Amendment 17, covering dry groceries in the Colorado Springs-Pueblo-Trinidad area. Filed 2:37 p. m.

Denver Order 14–W, Amendment 17, covering dry groceries in the Grand Junction area. Filed 2:37 p. m.

Denver Order 15–W, Amendment 15, covering dry groceries in the Durango area. Filed 2:37 p. m.

Helena Order 63–F, Amendment 5, covering fresh fruits and vegetables in the Missoula, Kalispell, Helena, East Helena, Bozeman, Livingston and Lewistown areas. Filed 2:33 p. m.

Helena Order 64–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 2:33 p. m.

Helena Order 65–F, Amendment 5, covering fresh fruits and vegetables in the Glasgow, Glendive, Miles City, Sidney, Havre, and Chinook areas. Filed 2:34 p. m.

Helena Order 66–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Montana. Filed 2:34 p. m.

Helena Order 67–F, Amendment 5, covering fresh fruits and vegetables in the Billings, Butte, and Great Falls area. Filed 2:34 p. m.

Region VIII

Arizona Order 18, Amendment 9, covering dry groceries in Yuma county area. Filed 2:26 p. m.

Arizona Order 19, Amendment 11, covering dry groceries in the South Central Arizona area. Filed 2:26 p. m.

Arizona Order 23, Amendment 8, covering dry groceries in the Eastern Arizona area. Filed 2:27 p. m.

Arizona Order 24, Amendment 11, covering dry groceries in the Southern Arizona area. Filed 2:25 p. m.

Arizona Order 25, Amendment 6, covering dry groceries in the Northwestern Arizona area. Filed 2:26 p. m.

Phoenix Order 1–M, Amendment 1, covering bottle beer and ale in the Phoenix area. Filed 2:28 p. m.

Phoenix Order 2–M, Amendment 1, covering bottle beer and ale in the Tucson area. Filed 2:28 p. m.

Arizona Order 22–W, Amendment 10, covering dry groceries in Yuma county area. Filed 2:28 p. m.

Arizona Order 23–W, Amendment 11, covering dry groceries in the South Central area. Filed 2:28 p. m.

Arizona Order 24–W, Amendment 11, covering dry groceries in the Coconino-Yavapai and Southeastern Arizona area. Filed 2:29 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-12558; Filed, July 24, 1946; 11:51 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register July 24, 1946.

Region II

Syracuse Orders 14–D and 15–D, covering butter and cheese in certain counties in New York. Filed 9:48 and 9:49 a. m.

Region V

St. Louis Order 26, Amendments 5 and 6, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:50 and 9:51 a. m.

St. Louis Order 27, Amendments 4 and 5, covering dry groceries sold by Groups 1 and 2 stores. Filed 9:51 and 9:52 a. m.

St. Louis Order 28, Amendment 5, covering dry groceries. Filed 9:52 a. m.

Region VI

Green Bay Order 19, Amendment 3, covering dry groceries in certain areas in Wisconsin. Filed 9:49 a. m.

Green Bay Order 23, Amendment 3, covering dry groceries in certain counties in Wisconsin. Filed 9:50 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46–12600; Filed, July 25, 1946; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–54]

KEWANEE PUBLIC SERVICE CO. AND NORTH AMERICAN LIGHT & POWER CO.

ORDER REQUIRING RECAPITALIZATION ON BASIS OF SINGLE CLASS OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July 1946.

The Commission having instituted proceedings under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to Kewanee Public Service Company, a subsidiary of North American Light & Power Company, a registered holding company, and having joined North American Light & Power Company as a party respondent in these proceedings;

Hearings having been held and the respondents having indicated that they have no further evidence to adduce in response to the Commission's order to show cause why an order should not be entered under section 11 (b) (2) of the act directing that Kewanee Public Service Company recapitalize on a basis of a single class of common stock, and the Commission being advised in the premises and having this day entered its findings and opinion herein;

It is ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 that without reference to its first mortgage bonds, said Kewanee Public Service Company recapitalize on a basis of a single class of common stock, such new common stock to be issued to the present security holders of Kewanee Public Service Company (without reference to the holders of its first mortgage bonds) in such respective proportions as their interests may appear;

It is further ordered, That said Kewanee Public Service Company and North American Light & Power Company shall proceed with due diligence to comply with the foregoing order, and shall make application to the Commission for the entry of such further orders as may be necessary or appropriate;

It is further ordered, That jurisdiction be, and hereby is, reserved under sections 11 (b) (2), 12 (c), 12 (f), 15 (f), and 20 (a) of the act to enter such other and further orders as may be necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–12585; Filed, July 25, 1946; 10:04 a. m.]

[File No. 70–1105]

MONONGAHELA POWER CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22nd day of July A. D. 1946.

In the matter of Monongahela Power Company, The West Penn Electric Company, American Water Works and Electric Company, Incorporated, File No. 70–1105.

By orders dated August 15, 1945, August 23, 1945, and October 22, 1945, this Commission granted and permitted to become effective, subject to certain terms and conditions, a joint application-declaration and amendments thereto filed by Monongahela Power Company ("Monongahela"), The West Penn Electric Company ("Electric"), and American Water Works and Electric Company, Incorporated ("American") pursuant to the Public Utility Holding Company Act of 1935. Monongahela is a public utility company, an exempt holding company, and a subsidiary of American, Electric and West Penn Power Company, registered holding companies. In said orders the Commission reserved jurisdiction with respect to the payment of legal fees incurred or to be incurred in connection with the proposed transactions.

The transactions passed upon in said orders included the issue and sale by Monongahela at competitive bidding, pursuant to Rule U-50 of $22,000,000 principal amount of first mortgage bonds and $9,000,000 aggregate par value of preferred stock, the issue and sale by Monongahela to certain banks of $4,000,000 principal amount of 2% 10-year serial notes, the issue and sale by Monongahela to Electric of 82,500 additional shares of common stock in exchange for $676,476 in cash and 23,376 shares of 7% cumulative preferred stock of Monongahela, and the redemption and retirement by Monongahela of $22,000,000 principal amount of first mortgage bonds, $7,500,000 principal amount of 6% debentures and 291,902 shares of 7% cumulative preferred stock.

Monongahela proposes to pay to Sullivan and Cromwell, New York, New York, a fee of $25,000; to Steptoe and Johnson, Clarksburg, West Virginia, a fee of $5,000; and to Francis Carey, Baltimore, Maryland, a fee of $650. The successful bidders for the first mortgage bonds and preferred stock sold by Monongahela at competitive bidding propose to pay to Cahill, Gordon, Zachry and Reindel a fee of $15,000.

After examining the record and the data submitted in support of these fees, the Commission concluding that the amounts thereof, under the circumstances of this case, are not unreasonable;

It is hereby ordered, That jurisdiction over the payment of fees and expenses to be paid in connection with the above described transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–12584; Filed, July 25, 1946; 10:04 a. m.]

[File No. 70–1325]

NORTHERN STATES POWER CO. (MINN.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July 1946.

Northern States Power Company, a Minnesota corporation and a registered holding company and a subsidiary of Northern States Power Company, a Delaware corporation also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U–42 and 50 regarding: (a) The issue and sale, at competitive bidding, of 275,000 shares of new cumulative preferred stock $__ Series, stated value $100 per share; (b) the redemption of all its presently outstanding 275,000 shares of cumulative preferred stock $5 Series, stated value $100 per share, at their redemption price of $110 per share; and (c) the offer, in connection with such redemption of its preferred stock, to holders of shares of said preferred stock of the right to exchange their shares for shares of the new cumulative preferred stock $__ Series, upon terms more fully set forth in said declaration; and

A public hearing having been held on said declaration, as amended, after appropriate notice, at which hearing counsel for certain objecting stockholders of Northern States Power Company of Delaware and Standard Gas and Electric Company appeared and were granted leave to participate in said proceedings,

and filed a Motion to defer action on said declaration; and the Commission having heard oral argument with respect to said Motion and having considered such motion and said objections and the record and having made its findings and opinion herein:

It is ordered, That said motion be and the same is hereby denied;

It is further ordered, That the declaration, as amended, be and the same is hereby permitted to become effective subject to the terms and conditions prescribed by Rule U-24 and to the following further terms and conditions:

1. That the proposed sale of the new cumulative preferred stock $__ Series of Northern States Power Company of Minnesota shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light thereof, jurisdiction being reserved for this purpose.

2. That jurisdiction be, and it is hereby reserved over the payment of all legal fees and expenses of counsel, incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That the ten-day period for inviting bids as provided in Rule U-50 be, and the same is hereby, shortened to a period of not less than five days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-12586; Filed, July 25, 1946; 10:04 a. m.]

[File No. 70-1341]

COLUMBIA GAS & ELECTRIC CORP. AND CINCINNATI GAS & ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of July 1946.

Notice is hereby given that Columbia Gas & Electric Corporation (Columbia), a registered holding company and a subsidiary of The United Corporation (United), also a registered holding company, and Columbia's public utility subsidiary, The Cincinnati Gas & Electric Company (Cincinnati), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. All interested persons are referred to said joint application-declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

(1) Cincinnati will amend its Articles of Incorporation so as to reclassify its authorized common stock from 1,000,000 shares without par value to 2,500,000 shares having a par value of $8.50 per share and will issue 2,040,000 shares of new common stock in exchange for its presently outstanding 771,545 shares of common stock, all of which is owned by Columbia. In connection with such reclassification, Cincinnati will transfer $9,624,500 of capital surplus to its common stock capital account.

(2) Columbia will offer to its common-stock holders the right, evidenced by transferable warrants, to purchase 2,038,312⅓ shares of the outstanding 2,040,000 shares of Cincinnati common stock at the rate of one such share for every six shares of Columbia common stock held. The price at which the Cincinnati stock will be offered will be determined through negotiation with underwriters and the underwriters will agree that upon termination of the offering period, they will purchase, at the specified price, such shares as are offered to and not purchased by the common-stock holders of Columbia together with the balance of 1,687⅔ shares not so offered.

Columbia intends to apply the proceeds from the sale of the Cincinnati common stock, together with cash on hand and the proceeds of a new debenture issue to the retirement of its outstanding 1½% Bank Loan Notes, the redemption of its preferred and preference stocks and to carrying out a construction program for certain of its other subsidiaries.

Columbia has applied for an exemption from the competitive bidding requirements of Rule U-50 with respect to the underwriting of the sale of the Cincinnati common stock.

The proposed issue and exchange of the common stock of Cincinnati has been submitted to the Public Utilities Commission of Ohio for its approval and Cincinnati seeks exemption from the provisions of sections 6 (a) and 7 of the act in respect thereof.

Columbia requests that the order to be issued with respect to the proposed transactions conform with the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended, and section 270-c (10) of the New York Stock Transfer Tax.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application-declaration and that said application should not be granted or said declaration should not be permitted to become effective except pursuant to further order of the Commission;

It is hereby ordered, That a hearing be held upon said matters on August 5, 1946 at 10 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the Public Service Commission of Ohio, United, Columbia, and Cincinnati; and that said notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before August 2, 1946 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and exchange of new common stock is solely for the purpose of financing the business of Cincinnati and has been expressly authorized by the State Commission of the State in which it is organized and doing business;

(2) Whether the exemption requested from the competitive bidding provisions of Rule U-50 is appropriate in the public interest and the interests of investors and consumers; and in general whether (a) competitive conditions have been maintained, and (b) the terms and conditions of the proposed sale of the common stock of Cincinnati are appropriate and (c) the consideration to be received in connection with the proposed sale is fair and reasonable;

(3) Whether the proposed accounting entries to be recorded on the books of Columbia in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act;

(4) Whether the fees, commissions or other remunerations to be paid in connection with the issue, sale or distributions of the Cincinnati common stock are reasonable;

(5) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder;

(6) Whether, in the event the application-declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to insure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-12587; Filed, July 25, 1946; 10:04 p. m.]

[File No. 70-1331]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER CORRECTING NOTICE OF FILING AND ORDER FOR HEARING

In the matter of American Power & Light Company, Pacific Power & Light Company, Northwestern Electric Company, File No. 70-1331.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of July A. D. 1946.

It appearing to the Commission that its notice of filing and order for hearing dated July 17, 1946 (Holding Company Act Release No. 6789) in the above-captioned matter did not reflect the terms of an amendment filed by the above-named parties to their application-declaration herein; it also appearing that said amendment provides for the elimination from the proposed transactions of a proposal that Pacific Power & Light Company would invite bids for services in the solicitation from stockholders of Pacific Power & Light Company and Northwestern Electric Company of their proxies authorizing a vote in favor of the merger agreement; it further appearing that said notice and order should be corrected to reflect the said amendment.

It is ordered, That the words "for services in the solicitation from stockholders of constituent companies of their proxies authorizing a vote in favor of the Merger Agreement and" in paragraph 10 of said notice and order be deleted and said paragraph 10, as corrected, read as follows:

10. It is proposed that, prior to the date of the stockholders' meetings, referred to in paragraph 6 hereof, Pacific, pursuant to the requirements of Rule U-50, publicly invite bids for the purchase of so many of the 100,000 shares of new preferred stock as are not required for the exchange. The invitation for bids will specify a dividend rate to be a multiple of 1/20 of 1%, a minimum price to be paid to Pacific of $101 per share and a maximum price of $102.75 per share which shall be the public offering price.

It is further ordered, That a copy of this order be served in the same manner and on all persons as provided in the notice of filing and order for hearing dated July 17, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-12583; Filed, July 25, 1946; 10:04 a. m.]

[File No. 812-443]

BANKERS SECURITIES CORP. AND CITY STORES CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of July A. D. 1946.

Bankers Securities Corporation and City Stores Company have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act the purchase of 1,000 shares of common stock of R. H. White Corporation by City Stores Company from Bankers Securities Corporation for $108,500.00. City Stores Company is controlled by Bankers Securities Corporation, a registered investment company.

It is ordered, Pursuant to section 40 (a) of the said act that a hearing on the aforementioned application be held on August 5, 1946, at 10:00 a. m. eastern daylight time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Bankers Securities Corporation and City Stores Company, and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-12588; Filed, July 25, 1946; 10:04 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6608]

TODAO SANO, ET AL.

In re: Pocket watch, tie clasp and tie pin owned by Todao Sano, also known as Tadao Sano, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyo Sano, also known as Kiyokichi Sano, and Eleanor Sano, both deceased.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Todao Sano, also known as Tadao Sano, whose last known address is Osaka, Japan, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyo Sano, also known as Kiyokichi Sano, and Eleanor Sano, both deceased, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) white metal "Westclox" man's pocket watch,

b. One (1) imitation pearl tie clasp, and

c. One (1) tie pin having a blue stone and a red stone on a gold metal heart,

was held by the Japanese Association, Inc., 1819 Broadway, New York, New York, and was property held for or deliverable to or claimed by nationals of a designated enemy country (Japan), namely Todao Sano, also known as Tadao Sano, and the personal representatives, heirs, next of kin, legatees and distributees of Kiyo Sano, also known as Kiyokichi Sano, and Eleanor Sano, and that such property is now in the possession of the Alien Property Custodian, and

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 18, 1946.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 46-12563; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6733]

MR. AND MRS. MARKUS MEYER

In re: Bank account owned by Mr. Markus Meyer and Mrs. Markus Meyer. F-28-23300-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mr. Markus Meyer and Mrs. Markus Meyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a Savings Account, Account Number 3245, entitled Albert and/or Elisabeth Salomon Agents for Mr. and/or Mrs. Markus Meyer maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mr. Markus Meyer and Mrs. Markus Meyer, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12564; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6870]

AUGUST GANSER

In re: Estate of August Ganser, deceased; File No. D–28–10011; E. T. Sec. 14195.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Eva Ganser, in and to the estate of August Ganser, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Eva Ganser, Germany.

That such property is in the process of administration by Caroline Ganser, as executrix of the estate of August Ganser, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 1, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12565; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6879]

ANTON CHRISTIAN MARCUSSEN

In re: Estate of Anton Marcussen, also known as Anton Christian Marcussen, deceased. File D–28–10208; E.T. sec. 14548.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Peter George Marcussen, Mary H. Peters, and each of them, in and to the Estate of Anton Marcussen, also known as Anton Christian Marcussen, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Peter George Marcussen, Germany.
Mary H. Peters, Germany.

That such property is in the process of administration by Ida N. Rehling, as Administratrix of the Estate of Anton Marcussen, also known as Anton Christian Marcussen, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 1, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12566; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6895]

CARL RIECK

In re: Bank account owned by Carl Rieck. F–28–502–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Carl Rieck, the last known address of which is Bergstrasse 11, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carl Rieck, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled, Carl Rieck, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges, or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12567; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6897]

WIEBKE ROHWER

In re: Bank account owned by Wiebke Rohwer, also known as Wiehke Rohwer. F–28–11810–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Wiebke Rohwer, also known as Wiehke Rohwer, whose last known address is Buedelsdorf, Rendsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wiebke Rohwer, also known as Wiehke Rohwer, by The First National Bank of Chicago, Clark, Monroe and Dearborn Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,373,953, entitled Wiebke Rohwer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12568; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6898]

ELIZABETH RUNGE

In re: Bank account owned by Elisabeth Runge. F–28–11860–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elisabeth Runge, whose last known address is Kirchhain, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elisabeth Runge, by First Wisconsin National Bank, 743 North Water Street, Milwaukee, Wisconsin, arising out of a demand deposit, entitled Elisabeth Runge, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12569; Filed, July 25; 1946; 9:47 a. m.]

[Vesting Order 6899]

HISAO SAKAI

In re: Bank account owned by Hisao Sakai; F–39–4044–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hisao Sakai, whose last known address is Fukuokaken, Miikegun, Kamiuchimura, Oaza Shiko, No. 921 Banchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hisao Sakai, by The Minnequa Bank of Pueblo, Pueblo, Colorado, arising out of a checking account entitled Hisao Sakai, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12570; Filed, July 25, 1946; 9:47 a. m.]

[Vesting Order 6901]

MINNA SCHENK

In re: Bank account owned by Minna Schenk. F–28–12049–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Minna Schenk, whose last known address is Haushagen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Minna Schenk, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C11–206, entitled Minna Schenk, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12571; Filed, July 25, 1946; 9:48 a. m.]

[Vesting Order 6902]

MRS. DORA SCHNEIDER

In re: Bank account owned by Mrs. Dora Schneider. F-28-24033-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law the undersigned, after investigation, finding:

1. That Mrs. Dora Schneider, whose last known address is Wejermuende-Lehe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Dora Schneider, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, Account Number 393485, entitled Mrs. Dora Schneider, maintained at the office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-12572; Filed, July 25, 1946; 9:48 a. m.]

[Vesting Order 6903]

CHRISTOPH SCHULZE

In re: Bank account owned by Christoph Schulze. F-28-2927-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Christoph Schulze, whose last known address is Steinhorst, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christoph Schulze, by The First National Bank, Allendale, New Jersey, arising out of a savings account, Account Number 3659, entitled Christoph Schulze (a blocked account) a native of Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-12573; Filed, July 25, 1946; 9:48 a. m.]

[Vesting Order 6904]

IVAN SCHUMACKER

In re: Bank account owned by Ivan Schumacker. F-28-8686-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ivan Schumacker, whose last known address is Richard Street, Barmbeck, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ivan Schumacker, by The Union Trust Company of Pittsburgh, 439 Fifth Avenue, Pittsburgh, Pennsylvania, arising out of a checking account, entitled Ivan Schumacker, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien

Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12574; Filed, July 25, 1946; 9:48 a. m.]

[Vesting Order 6905]

FRED SCHUSTER

In re: Bank account owned by Fred Schuster. F–28–5248–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fred Schuster, whose last known address is Bautzeverstrasse 2, Gorlitz 1/Schlesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fred Schuster, by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a saving account, Account Number 130560, entitled Fred Schuster, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12575; Filed, July 25, 1946; 9:48 a. m.]

[Vesting Order 6906]

RUDOLF A. SEMS

In re: Bank account owned by Rudolf A. Sems. F–28–23956–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Rudolf A. Sems, whose last known address is Funk, Caserne, Bild. 15, Room 103, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf A. Sems, by The Cleveland Trust Company, Euclid Avenue and East 9th Street, Cleveland, Ohio, arising out of a savings account, Account Number 71700, entitled Rudolf A. Sems, maintained at the office of the aforesaid bank located at St. Clair and 105th Streets, Cleveland, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12576; Filed, July 25, 1946; 9:49 a. m.]

[Vesting Order 6907]

MRS. BERTHA STAEMMELE

In re: Bank account owned by Mrs. Bertha Staemmele. F–28–24070–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mrs. Bertha Staemmele, whose last known address is St. Johann, Ba-

varia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Bertha Staemmele, by The First National Bank of Chicago, Clark, Monroe and Dearborn Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,349,346, entitled Mrs. Bertha Staemmele, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12577; Filed, July 25, 1946; 9:49 a. m.]

[Vesting Order 6908]

DETMAR FR. STAHLNECHT

In re: Bank accounts owned by Detmar Fr. Stahlnecht. F–28–22307–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Detmar Fr. Stahlnecht, whose last known address is 13 Ilsungstrasse, Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Detmar Fr. Stahlnecht, by Mellon National Bank, Pittsburgh 30, Pennsylvania, arising out of a checking account, entitled Detmar Fr. Stahlnecht, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Detmar Fr. Stahlnecht, by Mellon National Bank, Pittsburgh 30, Pennsylvania, arising out of a savings account, Account Number 10–350, entitled Detmar Fr. Stahlnecht, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12578; Filed, July 25, 1946; 9:49 a. m.]

[Vesting Order 6909]

STEPHEN STRASSMAIR

In re: Bank account owned by Stephen Strassmair. F–28–12365–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Stephen Strassmair, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Stephen Strassmair, by Dollar Savings Bank of the City of New York, 2792 Third Avenue, Bronx 55, New York, arising out of a savings account, Account Number 510,315, entitled Stephen Strassmair, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian

to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12579; Filed, July 25, 1946; 9:49 a. m.]

[Vesting Order 6910]

HERMAN STRUBBE

In re: Bank account owned by Herman Strubbe. F–28–12385–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Herman Strubbe, whose last known address is Lingen a/Ems, in den Horn, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Security National Bank, Brookings, South Dakota, arising out of a savings account, entitled Herman Strubbe, Carl Greve, Agent, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Strubbe, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12580; Filed, July 25, 1946; 9:49 a. m.]

[Vesting Order 6913]

EMMA TRETTIN

In re: Bank account owned by Emma Trettin. F–28–24068–E–1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Emma Trettin, whose last known address is 10, Wollmarkt, Bromberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emma Trettin, by The First National Bank of Chicago, Clark, Monroe and Dearborn Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,362,208, entitled Emma Trettin, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 2, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–12581; Filed, July 25, 1946; 9:49 a. m.]